

# HOUSE BILL No. 1208

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-1-16-42; IC 6-1.1; IC 8-14-9-12; IC 8-22-3-16; IC 12-29; IC 14-27-6-40; IC 14-33-11; IC 16-22; IC 20-46-7-8; IC 20-47-4-6; IC 20-48-1; IC 36-3-5-8; IC 36-5-2-11; IC 36-7; IC 36-9; IC 36-10.

**Synopsis:** Referenda for bond issues and lease rentals. Requires lease rentals or bond issues for local capital projects to be approved at a local referendum if the preliminary determination to enter into the lease or issue bonds is made after June 30, 2008. Provides that the petition and remonstrance process applies if the preliminary determination to enter into the lease or issue bonds is made before July 1, 2008. Makes conforming amendments.

**Effective:** July 1, 2008.

## Pond

January 14, 2008, read first time and referred to Committee on Ways and Means.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## HOUSE BILL No. 1208

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-1-16-42 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 42. (a) When the  
3 authority, the board of trustees or board of managers of the hospital, the  
4 board of commissioners of the county, and a majority of the county  
5 council have agreed upon the terms and conditions of any lease  
6 proposed to be entered into under section 38 or 39 of this chapter, and  
7 before the final execution of the lease, the county auditor shall give  
8 notice by publication of a public hearing to be held in the county by the  
9 board of commissioners. The hearing shall take place on a day not  
10 earlier than ten (10) days after the publication of the notice. The notice  
11 of the hearing shall be published one (1) time in a newspaper of general  
12 circulation printed in the English language and published in the county.  
13 The notice shall do the following:  
14 (1) Name the day, place, and hour of the hearing.  
15 (2) Set forth a brief summary of the principal terms of the lease  
16 agreed upon, including the character and location of the property  
17 to be leased, the lease rental to be paid, and the number of years

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1 the contract is to be in effect.

2 (3) State a location where the proposed lease, drawings, plans,  
3 specifications, and estimates may be examined.

4 The proposed lease and the drawings, plans, specifications, and  
5 estimates of construction cost for the building shall be open to  
6 inspection by the public during the ten (10) day period and at the  
7 hearing. All interested persons shall have a right to be heard at the  
8 hearing on the necessity for the execution of the lease and whether the  
9 lease rental under the lease is fair and reasonable. The hearing may be  
10 adjourned to a later date with the place of the hearing fixed prior to  
11 adjournment. Following the hearing, the board of commissioners may  
12 either authorize the execution of the lease as originally agreed upon or  
13 may make modifications that are agreed upon by the authority, the  
14 board of trustees or board of managers of the hospital, and the county  
15 council. The authorization shall be by an order that is entered in the  
16 official records of the board of commissioners. The lease contract shall  
17 be executed on behalf of the county by the board of commissioners.

18 (b) If the execution of the lease as originally agreed upon or as  
19 modified by agreement is authorized, notice of the signing of the lease  
20 shall be given on behalf of the county by publication one (1) time in a  
21 newspaper of general circulation printed in the English language and  
22 published in the county. Except as provided in subsection (d), ten (10)  
23 or more taxpayers in the county whose tax rate will be affected by the  
24 proposed lease and who may be of the opinion that no necessity exists  
25 for the execution of the lease or that the lease rental under the lease is  
26 not fair and reasonable may file a petition in the office of the county  
27 auditor within thirty (30) days after publication of notice of the  
28 execution of the lease that sets forth the taxpayers' objections and facts  
29 supporting those objections. Upon the filing of a petition, the county  
30 auditor shall immediately certify a copy of the petition together with  
31 such other data as may be necessary in order to present the questions  
32 involved to the department of local government finance. Upon receipt  
33 of the certified petition and information, the department of local  
34 government finance shall fix a time and place in the affected county for  
35 the hearing of the matter that is not less than five (5) or more than  
36 fifteen (15) days after receipt. Notice of the hearing shall be given by  
37 the department of local government finance to the board of county  
38 commissioners and to the first ten (10) taxpayer petitioners upon the  
39 petition by certified mail sent to the addresses listed on the petition at  
40 least five (5) days before the date of the hearing.

41 (c) No action to contest the validity of the lease or to enjoin the  
42 performance of any of the terms and conditions of the lease shall be

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instituted at any time later than thirty (30) days after publication of notice of the execution of the lease, or if an appeal has been taken to the department of local government finance, then within thirty (30) days after the decision of the department.

(d) The authority for taxpayers to object to a proposed lease under subsection (b) does not apply if the authority complies with the procedures for the issuance of bonds and other evidences of indebtedness described in ~~IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2.~~ **IC 6-1.1-20.**

SECTION 2. IC 6-1.1-18-3, AS AMENDED BY P.L.224-2007, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) Except as provided in subsection (b), the sum of all tax rates for all political subdivisions imposed on tangible property within a political subdivision may not exceed:

- (1) forty-one and sixty-seven hundredths cents (\$0.4167) on each one hundred dollars (\$100) of assessed valuation in territory outside the corporate limits of a city or town; or
- (2) sixty-six and sixty-seven hundredths cents (\$0.6667) on each one hundred dollars (\$100) of assessed valuation in territory inside the corporate limits of a city or town.

(b) The proper officers of a political subdivision shall fix tax rates which are sufficient to provide funds for the purposes itemized in this subsection. The portion of a tax rate fixed by a political subdivision shall not be considered in computing the tax rate limits prescribed in subsection (a) if that portion is to be used for one (1) of the following purposes:

- (1) To pay the principal or interest on a funding, refunding, or judgment funding obligation of the political subdivision.
- (2) To pay the principal or interest on an outstanding obligation issued by the political subdivision if notice of the sale of the obligation was published before March 9, 1937.
- (3) To pay the principal or interest upon:
  - (A) an obligation issued by the political subdivision to meet an emergency which results from a flood, fire, pestilence, war, or any other major disaster; or
  - (B) a note issued under IC 36-2-6-18, IC 36-3-4-22, IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or county to acquire necessary equipment or facilities for municipal or county government.
- (4) To pay the principal or interest upon an obligation issued in the manner provided in:
  - (A) IC 6-1.1-20-3 (before its repeal); or

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(B) IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2 (in the case of a preliminary determination made before July 1, 2008, to issue bonds or enter into a lease); or

(C) IC 6-1.1-20-3.5 through IC 6-1.1-20-3.6 (in the case of a preliminary determination made after June 30, 2008, to issue bonds or enter into a lease).

(5) To pay a judgment rendered against the political subdivision.

(6) To meet the requirements of the family and children's fund for child services (as defined in IC 12-19-7-1).

(7) To meet the requirements of the county hospital care for the indigent fund.

(8) To meet the requirements of the children's psychiatric residential treatment services fund for children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1).

(c) Except as otherwise provided in IC 6-1.1-19, IC 6-1.1-18.5, IC 20-45, or IC 20-46, a county board of tax adjustment (before January 1, 2009), a county board of tax and capital projects review (after December 31, 2008), a county auditor, or the department of local government finance may review the portion of a tax rate described in subsection (b) only to determine if it exceeds the portion actually needed to provide for one (1) of the purposes itemized in that subsection.

SECTION 3. IC 6-1.1-18.5-8, AS AMENDED BY P.L.224-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit if the civil taxing unit is committed to levy the taxes to pay or fund either:

(1) bonded indebtedness; or

(2) lease rentals under a lease with an original term of at least five

(5) years.

(b) This subsection does not apply to bonded indebtedness incurred or leases executed for a capital project approved by a county board of tax and capital projects review under IC 6-1.1-29.5 after December 31, 2008. A civil taxing unit must file a petition requesting approval from the department of local government finance to incur bonded indebtedness or execute a lease with an original term of at least five (5) years not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under ~~IC 6-1.1-20-3.1(2)~~, **IC 6-1.1-20-3.1(b)(2) or IC 6-1.1-20-3.5(b)(2), whichever is applicable**, unless the civil taxing unit demonstrates that a longer period is reasonable in light of the civil taxing unit's facts and

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1 circumstances. A civil taxing unit must obtain approval from the  
 2 department of local government finance before the civil taxing unit  
 3 may:

- 4 (1) incur the bonded indebtedness; or
- 5 (2) enter into the lease.

6 Before January 1, 2009, the department of local government finance  
 7 may seek recommendations from the local government tax control  
 8 board established by section 11 of this chapter when determining  
 9 whether to authorize incurring the bonded indebtedness or the  
 10 execution of the lease.

11 (c) The department of local government finance shall render a  
 12 decision within three (3) months after the date it receives a request for  
 13 approval under subsection (b). However, the department of local  
 14 government finance may extend this three (3) month period by an  
 15 additional three (3) months if, at least ten (10) days before the end of  
 16 the original three (3) month period, the department sends notice of the  
 17 extension to the executive officer of the civil taxing unit. A civil taxing  
 18 unit may petition for judicial review of the final determination of the  
 19 department of local government finance under this section. The petition  
 20 must be filed in the tax court not more than forty-five (45) days after  
 21 the department enters its order under this section.

22 (d) A civil taxing unit does not need approval under subsection (b)  
 23 to obtain temporary loans made in anticipation of and to be paid from  
 24 current revenues of the civil taxing unit actually levied and in the  
 25 course of collection for the fiscal year in which the loans are made.

26 (e) For purposes of computing the ad valorem property tax levy  
 27 limits imposed on a civil taxing unit by section 3 of this chapter, the  
 28 civil taxing unit's ad valorem property tax levy for a calendar year does  
 29 not include that part of its levy that is committed to fund or pay bond  
 30 indebtedness or lease rentals with an original term of five (5) years in  
 31 subsection (a).

32 (f) A taxpayer may petition for judicial review of the final  
 33 determination of the department of local government finance under this  
 34 section. The petition must be filed in the tax court not more than thirty  
 35 (30) days after the department enters its order under this section.

36 SECTION 4. IC 6-1.1-20-1.9, AS ADDED BY P.L.219-2007,  
 37 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2008]: Sec. 1.9. As used in this chapter, "registered voter"  
 39 means the following:

- 40 (1) In the case of a petition under section 3.1 of this chapter to
- 41 initiate a petition and remonstrance process, an individual who is
- 42 registered to vote in the political subdivision on the date the

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proper officers of the political subdivision publish notice under section ~~3.1(2)~~ **3.1(b)(2)** of this chapter of a preliminary determination by the political subdivision to issue bonds or enter into a lease.

(2) In the case of:

(A) a petition under section 3.2 of this chapter in favor of the proposed debt service or lease payments; or

(B) a remonstrance under section 3.2 of this chapter against the proposed debt service or lease payments;

an individual who is registered to vote in the political subdivision on the date that is thirty (30) days after the notice of the applicability of the petition and remonstrance process is published under section ~~3.2(1)~~ **3.1(b)(1)** of this chapter.

**(3) In the case of a public question held under section 3.6 of this chapter, an individual who is registered to vote in the political subdivision on the date that is thirty (30) days before the date of the general election in which the public question will be held.**

SECTION 5. IC 6-1.1-20-3.1, AS AMENDED BY P.L.219-2007, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.1. **(a) This section applies only to a controlled project for which the proper officers of a political subdivision make a preliminary determination before July 1, 2008, to issue bonds or enter into a lease.**

**(b)** A political subdivision may not impose property taxes to pay debt service or lease rentals without completing the following procedures:

(1) The proper officers of a political subdivision shall:

(A) publish notice in accordance with IC 5-3-1; and

(B) send notice by first class mail to any organization that delivers to the officers, before January 1 of that year, an annual written request for such notices;

of any meeting to consider adoption of a resolution or an ordinance making a preliminary determination to issue bonds or enter into a lease and shall conduct a public hearing on a preliminary determination before adoption of the resolution or ordinance.

(2) When the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall give notice of the preliminary determination by:

(A) publication in accordance with IC 5-3-1; and

(B) first class mail to the organizations described in

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- 1 subdivision (1)(B).
- 2 (3) A notice under subdivision (2) of the preliminary
- 3 determination of the political subdivision to issue bonds or enter
- 4 into a lease must include the following information:
- 5 (A) The maximum term of the bonds or lease.
- 6 (B) The maximum principal amount of the bonds or the
- 7 maximum lease rental for the lease.
- 8 (C) The estimated interest rates that will be paid and the total
- 9 interest costs associated with the bonds or lease.
- 10 (D) The purpose of the bonds or lease.
- 11 (E) A statement that any owners of real property within the
- 12 political subdivision or registered voters residing within the
- 13 political subdivision who want to initiate a petition and
- 14 remonstrance process against the proposed debt service or
- 15 lease payments must file a petition that complies with
- 16 subdivisions (4) and (5) not later than thirty (30) days after
- 17 publication in accordance with IC 5-3-1.
- 18 (F) With respect to bonds issued or a lease entered into to
- 19 open:
- 20 (i) a new school facility; or
- 21 (ii) an existing facility that has not been used for at least
- 22 three (3) years and that is being reopened to provide
- 23 additional classroom space;
- 24 the estimated costs the school corporation expects to incur
- 25 annually to operate the facility.
- 26 (G) A statement of whether the school corporation expects to
- 27 appeal for a new facility adjustment (as defined in
- 28 IC 20-45-1-16) for an increased maximum permissible tuition
- 29 support levy to pay the estimated costs described in clause (F).
- 30 (4) After notice is given, a petition requesting the application of
- 31 a petition and remonstrance process may be filed by the lesser of:
- 32 (A) one hundred (100) persons who are either owners of real
- 33 property within the political subdivision or registered voters
- 34 residing within the political subdivision; or
- 35 (B) five percent (5%) of the registered voters residing within
- 36 the political subdivision.
- 37 (5) The state board of accounts shall design and, upon request by
- 38 the county voter registration office, deliver to the county voter
- 39 registration office or the county voter registration office's
- 40 designated printer the petition forms to be used solely in the
- 41 petition process described in this section. The county voter
- 42 registration office shall issue to an owner or owners of real

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property within the political subdivision or a registered voter residing within the political subdivision the number of petition forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions detailing the requirements that:

(A) the carrier and signers must be owners of real property or registered voters;

(B) the carrier must be a signatory on at least one (1) petition;

(C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature; and

(D) govern the closing date for the petition period.

Persons requesting forms may be required to identify themselves as owners of real property or registered voters and may be allowed to pick up additional copies to distribute to other property owners or registered voters. Each person signing a petition must indicate whether the person is signing the petition as a registered voter within the political subdivision or is signing the petition as the owner of real property within the political subdivision. A person who signs a petition as a registered voter must indicate the address at which the person is registered to vote. A person who signs a petition as a real property owner must indicate the address of the real property owned by the person in the political subdivision.

(6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county voter registration office under subdivision (7).

(7) Each petition must be filed with the county voter registration office not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.

(8) The county voter registration office shall determine whether each person who signed the petition is a registered voter. The county voter registration office shall not more than fifteen (15) business days after receiving a petition forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office a statement verifying:

(A) whether a person who signed the petition as a registered voter but is not a registered voter, as determined by the county voter registration office, is the owner of real property in the

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political subdivision; and

(B) whether a person who signed the petition as an owner of real property within the political subdivision does in fact own real property within the political subdivision.

(9) The county voter registration office shall not more than ten (10) business days after receiving the statement from the county auditor under subdivision (8) make the final determination of the number of petitioners that are registered voters in the political subdivision and, based on the statement provided by the county auditor, the number of petitioners that own real property within the political subdivision. Whenever the name of an individual who signs a petition form as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition only one (1) time in a particular petition and remonstrance process under this chapter, regardless of whether the person owns more than one (1) parcel of real property within the subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of real property within the political subdivision. Notwithstanding any other provision of this section, if a petition is presented to the county voter registration office within thirty-five (35) days before an election, the county voter registration office may defer acting on the petition, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.

(10) The county voter registration office must file a certificate and each petition with:

(A) the township trustee, if the political subdivision is a township, who shall present the petition or petitions to the township board; or

(B) the body that has the authority to authorize the issuance of

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the bonds or the execution of a lease, if the political subdivision is not a township; within thirty-five (35) business days of the filing of the petition requesting a petition and remonstrance process. The certificate must state the number of petitioners that are owners of real property within the political subdivision and the number of petitioners who are registered voters residing within the political subdivision.

If a sufficient petition requesting a petition and remonstrance process is not filed by owners of real property or registered voters as set forth in this section, the political subdivision may issue bonds or enter into a lease by following the provisions of law relating to the bonds to be issued or lease to be entered into.

SECTION 6. IC 6-1.1-20-3.2, AS AMENDED BY P.L.219-2007, SECTION 61, AND AS AMENDED BY P.L.224-2007, SECTION 31, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.2. **(a) This section applies only to a controlled project for which the proper officers of a political subdivision make a preliminary determination before July 1, 2008, to issue bonds or enter into a lease.**

**(b)** If a sufficient petition requesting the application of a petition and remonstrance process has been filed as set forth in section 3.1 of this chapter, a political subdivision may not impose property taxes to pay debt service or lease rentals without completing the following procedures:

(1) The proper officers of the political subdivision shall give notice of the applicability of the petition and remonstrance process by:

(A) publication in accordance with IC 5-3-1; and

(B) first class mail to the organizations described in section ~~3.1(1)(B)~~ **3.1(b)(1)(B)** of this chapter.

A notice under this subdivision must include a statement that any owners of real property *within the political subdivision or registered voters residing* within the political subdivision who want to petition in favor of or remonstrate against the proposed debt service or lease payments must file petitions and remonstrances in compliance with subdivisions (2) through (4) not earlier than thirty (30) days or later than sixty (60) days after publication in accordance with IC 5-3-1.

(2) Not earlier than thirty (30) days or later than sixty (60) days after the notice under subdivision (1) is given:

(A) petitions (described in subdivision (3)) in favor of the

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1 bonds or lease; and  
 2 (B) remonstrances (described in subdivision (3)) against the  
 3 bonds or lease;  
 4 may be filed by an owner or owners of real property *within the*  
 5 *political subdivision or a registered voter residing* within the  
 6 political subdivision. Each signature on a petition must be dated,  
 7 and the date of signature may not be before the date on which the  
 8 petition and remonstrance forms may be issued under subdivision  
 9 (3). A petition described in clause (A) or a remonstrance  
 10 described in clause (B) must be verified in compliance with  
 11 subdivision (4) before the petition or remonstrance is filed with  
 12 the county ~~auditor~~ voter registration office under subdivision (4).  
 13 (3) The state board of accounts shall design and, upon request by  
 14 the county ~~auditor~~, voter registration office, deliver to the county  
 15 ~~auditor~~ voter registration office or the county ~~auditor's~~ voter  
 16 registration office's designated printer the petition and  
 17 remonstrance forms to be used solely in the petition and  
 18 remonstrance process described in this section. The county  
 19 ~~auditor~~ voter registration office shall issue to an owner or owners  
 20 of real property *within the political subdivision or a registered*  
 21 *voter residing* within the political subdivision the number of  
 22 petition or remonstrance forms requested by the owner or owners  
 23 *or the registered voter*. Each form must be accompanied by  
 24 instructions detailing the requirements that:  
 25 (A) the carrier and signers must be owners of real property or  
 26 registered voters;  
 27 (B) the carrier must be a signatory on at least one (1) petition;  
 28 (C) after the signatures have been collected, the carrier must  
 29 swear or affirm before a notary public that the carrier  
 30 witnessed each signature;  
 31 (D) govern the closing date for the petition and remonstrance  
 32 period; and  
 33 (E) apply to the carrier under section 10 of this chapter.  
 34 Persons requesting forms may ~~not~~ be required to identify  
 35 themselves *as owners of real property or registered voters* and  
 36 may be allowed to pick up additional copies to distribute to other  
 37 property owners *or registered voters*. *Each person signing a*  
 38 *petition or remonstrance must indicate whether the person is*  
 39 *signing the petition or remonstrance as a registered voter within*  
 40 *the political subdivision or is signing the petition or*  
 41 *remonstrance as the owner of real property within the political*  
 42 *subdivision. A person who signs a petition or remonstrance as a*

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1 registered voter must indicate the address at which the person is  
 2 registered to vote. A person who signs a petition or remonstrance  
 3 as a real property owner must indicate the address of the real  
 4 property owned by the person in the political subdivision. The  
 5 county ~~auditor~~ voter registration office may not issue a petition  
 6 or remonstrance form earlier than twenty-nine (29) days after the  
 7 notice is given under subdivision (1). The county ~~auditor~~ voter  
 8 registration office shall certify the date of issuance on each  
 9 petition or remonstrance form that is distributed under this  
 10 subdivision.

11 (4) The petitions and remonstrances must be verified in the  
 12 manner prescribed by the state board of accounts and filed with  
 13 the county ~~auditor~~ voter registration office within the sixty (60)  
 14 day period described in subdivision (2) in the manner set forth in  
 15 section 3.1 of this chapter relating to requests for a petition and  
 16 remonstrance process.

17 (5) The county voter registration office shall determine whether  
 18 each person who signed the petition or remonstrance is a  
 19 registered voter. The county voter registration office shall not  
 20 more than fifteen (15) business days after receiving a petition or  
 21 remonstrance forward a copy of the petition or remonstrance to  
 22 the county auditor. Not more than ten (10) business days after  
 23 receiving the copy of the petition or remonstrance, the county  
 24 auditor shall provide to the county voter registration office a  
 25 statement verifying:

26 (A) whether a person who signed the petition or remonstrance  
 27 as a registered voter but is not a registered voter, as  
 28 determined by the county voter registration office, is the  
 29 owner of real property in the political subdivision; and

30 (B) whether a person who signed the petition or remonstrance  
 31 as an owner of real property within the political subdivision  
 32 does in fact own real property within the political subdivision.

33 (6) The county voter registration office shall not more than ten  
 34 (10) business days after receiving the statement from the county  
 35 auditor under subdivision (5) make the final determination of:

36 (A) the number of registered voters in the political subdivision  
 37 that signed a petition and, based on the statement provided by  
 38 the county auditor, the number of owners of real property  
 39 within the political subdivision that signed a petition; and

40 (B) the number of registered voters in the political subdivision  
 41 that signed a remonstrance and, based on the statement  
 42 provided by the county auditor, the number of owners of real

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1           *property within the political subdivision that signed a*  
 2           *remonstrance.*  
 3           *Whenever the name of an individual who signs a petition or*  
 4           *remonstrance as a registered voter contains a minor variation*  
 5           *from the name of the registered voter as set forth in the records*  
 6           *of the county voter registration office, the signature is presumed*  
 7           *to be valid, and there is a presumption that the individual is*  
 8           *entitled to sign the petition or remonstrance under this section.*  
 9           *Except as otherwise provided in this chapter, in determining*  
 10          *whether an individual is a registered voter, the county voter*  
 11          *registration office shall apply the requirements and procedures*  
 12          *used under IC 3 to determine whether a person is a registered*  
 13          *voter for purposes of voting in an election governed by IC 3.*  
 14          *However, an individual is not required to comply with the*  
 15          *provisions concerning providing proof of identification to be*  
 16          *considered a registered voter for purposes of this chapter. A*  
 17          *person is entitled to sign a petition or remonstrance only one (1)*  
 18          *time in a particular petition and remonstrance process under this*  
 19          *chapter, regardless of whether the person owns more than one (1)*  
 20          *parcel of real property within the subdivision and regardless of*  
 21          *whether the person is both a registered voter in the political*  
 22          *subdivision and the owner of real property within the political*  
 23          *subdivision. Notwithstanding any other provision of this section,*  
 24          *if a petition or remonstrance is presented to the county voter*  
 25          *registration office within thirty-five (35) days before an election,*  
 26          *the county voter registration office may defer acting on the*  
 27          *petition or remonstrance, and the time requirements under this*  
 28          *section for action by the county voter registration office do not*  
 29          *begin to run until five (5) days after the date of the election.*  
 30          ~~(5)~~ (7) The county ~~auditor~~ voter registration office must file a  
 31          certificate and the petition or remonstrance with the body of the  
 32          political subdivision charged with issuing bonds or entering into  
 33          leases within ~~fifteen (15)~~ thirty-five (35) business days of the  
 34          filing of a petition or remonstrance under subdivision (4),  
 35          whichever applies, containing ten thousand (10,000) signatures or  
 36          less. The county ~~auditor~~ voter registration office may take an  
 37          additional five (5) days to review and certify the petition or  
 38          remonstrance for each additional five thousand (5,000) signatures  
 39          up to a maximum of sixty (60) days. The certificate must state the  
 40          number of petitioners and remonstrators that are owners of real  
 41          property *within the political subdivision and the number of*  
 42          *petitioners who are registered voters residing within the political*

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subdivision.

~~(6)~~ (8) If a greater number of *persons who are either* owners of real property *within the political subdivision or registered voters residing* within the political subdivision sign a remonstrance than the number that signed a petition, the bonds petitioned for may not be issued or the lease petitioned for may not be entered into. The proper officers of the political subdivision may not make a preliminary determination to issue bonds or enter into a lease for the controlled project defeated by the petition and remonstrance process under this section or any other controlled project that is not substantially different within one (1) year after the date of the county ~~auditor's~~ voter registration office's certificate under subdivision ~~(5)~~: (7). Withdrawal of a petition carries the same consequences as a defeat of the petition.

~~(7)~~ (9) After a political subdivision has gone through the petition and remonstrance process set forth in this section, the political subdivision is not required to follow any other remonstrance or objection procedures under any other law (including section 5 of this chapter) relating to bonds or leases designed to protect owners of real property within the political subdivision from the imposition of property taxes to pay debt service or lease rentals. However, the political subdivision must still receive the approval of the department of local government finance *if* required by:

(A) IC 6-1.1-18.5-8; or

(B) IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10.

SECTION 7. IC 6-1.1-20-3.4, AS ADDED BY P.L.224-2007, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.4. **(a) This section applies only to a controlled project for which the proper officers of a political subdivision make a preliminary determination before July 1, 2008, to issue bonds or enter into a lease.**

~~(a)~~ (b) Notwithstanding any other provision of this chapter, the executive of a political subdivision may initiate the petition and remonstrance process under this chapter for the approval or disapproval of a proposed controlled project of the political subdivision that has been disapproved under IC 6-1.1-29.5 by the county board of tax and capital projects review.

~~(b)~~ (c) The executive of a political subdivision may initiate the petition and remonstrance process under this chapter for a proposed controlled project that has been disapproved by the county board of tax and capital projects review by giving notice of the applicability of the petition and remonstrance process as provided in section ~~3-2(1)~~

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1 **3.2(b)(1)** of this chapter not more than sixty (60) days after the county  
 2 board of tax and capital projects review disapproves the proposed  
 3 controlled project.

4 ~~(c)~~ **(d)** Section 3.2 of this chapter applies to a petition and  
 5 remonstrance process initiated under this section. However, a sufficient  
 6 petition requesting the application of a petition and remonstrance  
 7 process is not required to be filed as set forth in section 3.1 of this  
 8 chapter before the executive of a political subdivision may initiate the  
 9 petition and remonstrance process as provided in this section.

10 ~~(d)~~ **(e)** If the number of owners of real property within the political  
 11 subdivision and registered voters residing within the political  
 12 subdivision that sign a petition in favor of the proposed controlled  
 13 project is greater than the number of owners of real property within the  
 14 political subdivision and registered voters residing within the political  
 15 subdivision that sign a remonstrance against the proposed controlled  
 16 project, the political subdivision may undertake the proposed  
 17 controlled project, notwithstanding the disapproval of the proposed  
 18 controlled project by the county board of tax and capital projects  
 19 review under IC 6-1.1-29.5.

20 SECTION 8. IC 6-1.1-20-3.5 IS ADDED TO THE INDIANA  
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2008]: **Sec. 3.5. (a) This section applies only**  
 23 **to a controlled project for which the proper officers of a political**  
 24 **subdivision make a preliminary determination after June 30, 2008,**  
 25 **to issue bonds or enter into a lease.**

26 **(b) A political subdivision may not impose property taxes to pay**  
 27 **debt service or lease rentals without completing the following**  
 28 **procedures:**

29 **(1) The proper officers of a political subdivision shall:**

30 **(A) publish notice in accordance with IC 5-3-1; and**

31 **(B) send notice by first class mail to any organization that**  
 32 **delivers to the officers, before January 1 of that year, an**  
 33 **annual written request for notices;**

34 **of any meeting to consider the adoption of an ordinance or a**  
 35 **resolution making a preliminary determination to issue bonds**  
 36 **or enter into a lease and shall conduct a public hearing on a**  
 37 **preliminary determination before adoption of the ordinance**  
 38 **or resolution.**

39 **(2) Whenever the proper officers of a political subdivision**  
 40 **make a preliminary determination to issue bonds or enter into**  
 41 **a lease, the officers shall give notice of the preliminary**  
 42 **determination by:**

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(A) publication in accordance with IC 5-3-1; and

(B) first class mail to the organizations described in subdivision (1)(B).

(3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease must include the following information:

(A) The maximum term of the bonds or lease.

(B) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(D) The purpose of the bonds or lease.

(E) A statement that the proposed debt service or lease payments must be approved in an election on a local public question held under section 3.6 of this chapter.

(F) With respect to bonds issued or a lease entered into to open:

(i) a new school facility; or

(ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;

the estimated costs the school corporation expects to annually incur to operate the facility.

(G) A statement of whether the school corporation expects to appeal for a new facility adjustment (as defined in IC 20-45-1-16) for an increased maximum permissible tuition support levy to pay any estimated costs described in clause (F).

(c) If the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall provide to the county auditor:

(1) a copy of the notice required by subsection (b)(2); and

(2) any other information the county auditor requires to fulfill the county auditor's duties under section 3.6 of this chapter.

SECTION 9. IC 6-1.1-20-3.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.6. (a) This section applies only to a controlled project for which the proper officers of a political subdivision make a preliminary determination after June 30, 2008, to issue bonds or enter into a lease.

(b) A political subdivision may not impose property taxes to pay debt service or lease rentals unless the political subdivision's

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1 proposed debt service or lease rental is approved in an election on  
2 a local public question held under this section.

3 (c) The following question shall be submitted to the voters at the  
4 election conducted under this section:

5 "Shall \_\_\_\_\_ (insert the name of the political subdivision)  
6 issue bonds or enter into a lease to finance \_\_\_\_\_  
7 (insert the description of the controlled project)?".

8 (d) The county auditor shall certify the public question  
9 described in subsection (c) under IC 3-10-9-3 to the county election  
10 board of the county that contains the greatest percentage of  
11 population of the political subdivision. After the public question is  
12 certified, the public question shall be placed on the ballot at the  
13 next general election in which all voters of the political subdivision  
14 are entitled to vote.

15 (e) The circuit court clerk shall certify the results of the public  
16 question to the following:

17 (1) The county auditor of each county in which the political  
18 subdivision is located.

19 (2) The department of local government finance.

20 (f) Subject to the requirements of IC 6-1.1-18.5-8 and  
21 IC 6-1.1-29.5, the political subdivision may issue the proposed  
22 bonds or enter into the proposed lease rental if a majority of the  
23 voters voting on the public question vote in favor of the public  
24 question.

25 (g) If a majority of the voters voting on the public question vote  
26 in opposition to the public question, both of the following apply:

27 (1) The political subdivision may not issue the proposed bonds  
28 or enter into the proposed lease rental.

29 (2) Another public question under this section on the same or  
30 a substantially similar project may not be submitted to the  
31 voters earlier than one (1) year after the date of the election.

32 (h) IC 3, to the extent not inconsistent with this section, applies  
33 to an election held under this section.

34 SECTION 10. IC 6-1.1-20-9, AS AMENDED BY P.L.224-2007,  
35 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2008]: Sec. 9. (a) When the proper officers of a political  
37 subdivision decide to issue bonds payable from property taxes to  
38 finance a public improvement, they shall adopt an ordinance or  
39 resolution which sets forth their determination to issue the bonds.  
40 Except as provided in subsection (b), the political subdivision may not  
41 advertise for or receive bids for the construction of the improvement  
42 until the expiration of the latter of: after either of the following:

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**(1) In the case of a proposed issue that is subject to section 3.1 of this chapter, the expiration of either:**

~~(1)~~ **(A)** the time period within which taxpayers may file a petition for review of or a remonstrance against the proposed issue; or

~~(2)~~ **(B)** the time period during which a petition for review of the proposed issue is pending before the department of local government finance (before January 1, 2009) or the county board of tax and capital projects review (after December 31, 2008).

**(2) In the case of a proposed issue that is subject to section 3.5 of this chapter, the proposed issue is approved in an election on a public question held under section 3.6 of this chapter.**

(b) This subsection applies before January 1, 2009. When a petition for review of a proposed issue is pending before the department of local government finance, the department may order the political subdivision to advertise for and receive bids for the construction of the public improvement. When the department of local government finance issues such an order, the political subdivision shall file a bid report with the department within five (5) days after the bids are received, and the department shall render a final decision on the proposed issue within fifteen (15) days after it receives the bid report. Notwithstanding the provisions of this subsection, a political subdivision may not enter into a contract for the construction of a public improvement while a petition for review of the bond issue which is to finance the improvement is pending before the department of local government finance.

(c) This subsection applies after December 31, 2008. When a petition for review of a proposed issue is pending before the county board of tax and capital projects review, the board may order the political subdivision to advertise for and receive bids for the construction of the public improvement. When the county board of tax and capital projects review issues such an order, the political subdivision shall file a bid report with the board within five (5) days after the bids are received, and the board shall render a final decision on the proposed issue within fifteen (15) days after it receives the bid report. Notwithstanding the provisions of this subsection, a political subdivision may not enter into a contract for the construction of a public improvement while a petition for review of the bond issue that is to finance the improvement is pending before the county board of tax and capital projects review.

SECTION 11. IC 6-1.1-20-10, AS AMENDED BY P.L.162-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2008]: Sec. 10. (a) This section applies **only** to a political subdivision that adopts an ordinance or a resolution making a preliminary determination **before July 1, 2008**, to issue bonds or enter into a lease. During the period commencing with the adoption of the ordinance or resolution and, if a petition and remonstrance process is commenced under section 3.2 of this chapter, continuing through the sixty (60) day period commencing with the notice under ~~section 3.2(1)~~ **section 3.2(b)(1)** of this chapter, the political subdivision seeking to issue bonds or enter into a lease for the proposed controlled project may not promote a position on the petition or remonstrance by doing any of the following:

(1) Allowing facilities or equipment, including mail and messaging systems, owned by the political subdivision to be used for public relations purposes to promote a position on the petition or remonstrance, unless equal access to the facilities or equipment is given to persons with a position opposite to that of the political subdivision.

(2) Making an expenditure of money from a fund controlled by the political subdivision to promote a position on the petition or remonstrance or to pay for the gathering of signatures on a petition or remonstrance. This subdivision does not prohibit a political subdivision from making an expenditure of money to an attorney, an architect, a construction manager, or a financial adviser for professional services provided with respect to a controlled project.

(3) Using an employee to promote a position on the petition or remonstrance during the employee's normal working hours or paid overtime, or otherwise compelling an employee to promote a position on the petition or remonstrance at any time.

(4) In the case of a school corporation, promoting a position on a petition or remonstrance by:

(A) using students to transport written materials to their residences or in any way directly involving students in a school organized promotion of a position; or

(B) including a statement within another communication sent to the students' residences.

However, this section does not prohibit an employee of the political subdivision from carrying out duties with respect to a petition or remonstrance that are part of the normal and regular conduct of the employee's office or agency.

(b) A person may not solicit or collect signatures for a petition or remonstrance on property owned or controlled by the political

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1 subdivision.

2 (c) The staff and employees of a school corporation may not  
3 personally identify a student as the child of a parent or guardian who  
4 supports or opposes a petition or remonstrance.

5 (d) A person or an organization that has a contract or arrangement  
6 (whether formal or informal) with a school corporation for the use of  
7 any of the school corporation's facilities may not spend any money to  
8 promote a position on the petition or remonstrance. A person or an  
9 organization that violates this subsection commits a Class A infraction.

10 (e) An attorney, an architect, a construction manager, or a financial  
11 adviser for professional services provided with respect to a controlled  
12 project may not spend any money to promote a position on the petition  
13 or remonstrance. A person who violates this subsection:

- 14 (1) commits a Class A infraction; and  
15 (2) is barred from performing any services with respect to the  
16 controlled project.

17 SECTION 12. IC 6-1.1-20-10.1 IS ADDED TO THE INDIANA  
18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2008]: **Sec. 10.1. (a) This section applies only  
20 to a political subdivision that, after June 30, 2008, adopts an  
21 ordinance or a resolution making a preliminary determination to  
22 issue bonds or enter into a lease.**

23 **(b) During the period beginning with the adoption of the  
24 ordinance or resolution and continuing through the day on which  
25 a local public question is submitted to the voters of the political  
26 subdivision under section 3.6 of this chapter, the political  
27 subdivision seeking to issue bonds or enter into a lease for the  
28 proposed controlled project may not promote a position on the  
29 local public question by doing any of the following:**

- 30 **(1) Allowing facilities or equipment, including mail and  
31 messaging systems, owned by the political subdivision to be  
32 used for public relations purposes to promote a position on  
33 the local public question, unless equal access to the facilities  
34 or equipment is given to persons with a position opposite to  
35 that of the political subdivision.**

- 36 **(2) Making an expenditure of money from a fund controlled  
37 by the political subdivision to promote a position on the local  
38 public question. This subdivision does not prohibit a political  
39 subdivision from making an expenditure of money to an  
40 attorney, an architect, a construction manager, or a financial  
41 adviser for professional services provided with respect to a  
42 controlled project.**

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(3) Using an employee to promote a position on the local public question during the employee's normal working hours or paid overtime, or otherwise compelling an employee to promote a position on the local public question at any time.

(4) In the case of a school corporation, promoting a position on a local public question by:

(A) using students to transport written materials to their residences or in any way directly involving students in a school organized promotion of a position; or

(B) including a statement within another communication sent to the students' residences.

However, this section does not prohibit an employee of the political subdivision from carrying out duties with respect to a local public question that are part of the normal and regular conduct of the employee's office or agency.

(c) The staff and employees of a school corporation may not personally identify a student as the child of a parent or guardian who supports or opposes a controlled project subject to a local public question held under section 3.6 of this chapter.

(d) A person or an organization that has a contract or arrangement (whether formal or informal) with a school corporation for the use of any of the school corporation's facilities may not spend any money to promote a position on a local public question. A person or an organization that violates this subsection commits a Class A infraction.

(e) An attorney, an architect, a construction manager, or a financial adviser for professional services provided with respect to a controlled project may not spend any money to promote a position on a local public question. A person who violates this subsection:

(1) commits a Class A infraction; and

(2) is barred from performing any services with respect to the controlled project.

SECTION 13. IC 6-1.1-20-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) This section applies only to a controlled project for which the proper officers of a political subdivision make a preliminary determination after June 30, 2008, to issue bonds or enter into a lease.

(b) Notwithstanding any other provision of this chapter, the executive of a political subdivision may initiate a public question under section 3.6 of this chapter for the approval or disapproval of

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1 a proposed controlled project of the political subdivision that has  
 2 been disapproved under IC 6-1.1-29.5 by the county board of tax  
 3 and capital projects review.

4 (c) The executive of a political subdivision may initiate the  
 5 public question under this chapter for a proposed controlled  
 6 project that has been disapproved by the county board of tax and  
 7 capital projects review by giving notice of the applicability of the  
 8 public question as provided in section 3.5(b) of this chapter not  
 9 more than sixty (60) days after the county board of tax and capital  
 10 projects review disapproves the proposed controlled project.

11 (d) Section 3.6 of this chapter applies to a public question held  
 12 under this section.

13 (e) If a majority of the voters voting on the public question vote  
 14 in favor of the public question, the political subdivision may  
 15 undertake the proposed controlled project, notwithstanding the  
 16 disapproval of the proposed controlled project by the county board  
 17 of tax and capital projects review under IC 6-1.1-29.5.

18 SECTION 14. IC 6-1.1-29.5-14, AS ADDED BY P.L.224-2007,  
 19 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2008]: Sec. 14. (a) **This subsection applies only to a  
 21 controlled project for which the proper officers of a political  
 22 subdivision make a preliminary determination before July 1, 2008,  
 23 to issue bonds or enter into a lease.** If the review board disapproves  
 24 a capital project under section 13 of this chapter, the political  
 25 subdivision that proposed the project may take any action under section  
 26 10(a)(2) of this chapter with regard to the capital project if:

- 27 (1) not more than sixty (60) days after the review board's
- 28 disapproval, the political subdivision initiates the petition and
- 29 remonstrance process under IC 6-1.1-20-3.4; and
- 30 (2) the capital project is approved in the petition and
- 31 remonstrance process under IC 6-1.1-20.

32 (b) **This subsection applies only to a controlled project for which**  
 33 **the proper officers of a political subdivision make a preliminary**  
 34 **determination after June 30, 2008, to issue bonds or enter into a**  
 35 **lease.** If the review board disapproves a capital project under  
 36 section 13 of this chapter, the political subdivision that proposed  
 37 the project may take any action under section 10(a)(2) of this  
 38 chapter with regard to the capital project if:

- 39 (1) not more than sixty (60) days after the review board's
- 40 disapproval, the political subdivision initiates a public
- 41 question under IC 6-1.1-20-12; and
- 42 (2) the capital project is approved in a public question held in

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1           **the manner provided by IC 6-1.1-20-3.6 and IC 6-1.1-20-12.**

2           SECTION 15. IC 8-14-9-12, AS AMENDED BY P.L.219-2007,  
3           SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2008]: Sec. 12. All bonds and interest on bonds issued under  
5           this chapter are exempt from taxation as provided under IC 6-8-5-1. All  
6           general laws relating to:

7           (1) the filing of a petition requesting the issuance of bonds;

8           (2) the right of:

9           **(A) taxpayers and voters to remonstrate against the issuance of**  
10           **bonds in the case of a proposed bond issue described by**  
11           **IC 6-1.1-20-3.1(a); or**

12           **(B) voters to vote on the issuance of bonds in the case of a**  
13           **proposed bond issue described by IC 6-1.1-20-3.5(a);**

14           (3) the appropriation of the proceeds of the bonds and the  
15           approval of the appropriation by the department of local  
16           government finance; and

17           (4) the sale of bonds at public sale for not less than par value;  
18           are applicable to proceedings under this chapter.

19           SECTION 16. IC 8-22-3-16, AS AMENDED BY P.L.219-2007,  
20           SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21           JULY 1, 2008]: Sec. 16. (a) The board may issue general obligation  
22           bonds of the authority for the purpose of procuring funds to pay the  
23           cost of acquiring real property, or constructing, enlarging, improving,  
24           remodeling, repairing, or equipping buildings, structures, runways, or  
25           other facilities, for use as or in connection with or for administrative  
26           purposes of the airport. The issuance of the bonds must be authorized  
27           by ordinance of the board providing for the amount, terms, and tenor  
28           of the bonds and for the time and character of notice and the mode of  
29           making sale. If one (1) airport is owned by the authority, an ordinance  
30           authorizing the issuance of bonds for a separate second airport is  
31           subject to approval as provided in this section. The bonds bear interest  
32           and are payable at the times and places that the board determines but  
33           running not more than twenty-five (25) years after the date of their  
34           issuance, and they must be executed in the name of the authority by the  
35           president of the board and attested by the secretary who shall affix to  
36           each of the bonds the official seal of the authority. The interest coupons  
37           attached to the bonds may be executed by placing on them the  
38           facsimile signature of the president of the board.

39           (b) The issuance of general obligation bonds must be approved by  
40           resolution of the following body:

41           (1) When the authority is established by an eligible entity, by its  
42           fiscal body.

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(2) When the authority is established by two (2) or more eligible entities acting jointly, by the fiscal body of each of those entities.

(3) When the authority was established under IC 19-6-2 **(before its repeal)**, by the mayor of the consolidated city, and if a second airport is to be funded, also by the city-county council.

(4) When the authority was established under IC 19-6-3 **(before its repeal)**, by the county council.

(c) The airport director shall manage and supervise the preparation, advertisement, and sale of the bonds, subject to the authorizing ordinance. Before the sale of the bonds, the airport director shall cause notice of the sale to be published once each week for two (2) consecutive weeks in two (2) newspapers of general circulation published in the district, setting out the time and place where bids will be received, the amount and maturity dates of the issue, the maximum interest rate, and the terms and conditions of sale and delivery of the bonds. The bonds shall be sold to the highest bidder, in accordance with the procedures for selling public bonds. After the bonds have been properly sold and executed, the airport director shall deliver them to the treasurer of the authority and take a receipt for them, and shall certify to the treasurer the amount which the purchaser is to pay for them, together with the name and address of the purchaser. On payment of the purchase price, the treasurer shall deliver the bonds to the purchaser, and the treasurer and airport director or superintendent shall report their actions to the board.

(d) The provisions of IC 6-1.1-20 and IC 5-1 relating to:

(1) the filing of a petition requesting the issuance of bonds and giving notice of them;

(2) the giving of notice of determination to issue bonds;

(3) the giving of notice of hearing on the appropriation of the proceeds of bonds and the right of taxpayers to appeal and be heard on the proposed appropriation;

(4) the approval of the appropriation by the department of local government finance;

(5) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds **in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or**

(B) voters to vote on the issuance of bonds **in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a);**

and

(6) the sale of bonds at public sale for not less than par value;

are applicable to proceedings under this chapter for the issuance of

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1 general obligation bonds.

2 (e) Bonds issued under this chapter are not a corporate obligation or  
3 indebtedness of any eligible entity but are an indebtedness of the  
4 authority as a municipal corporation. An action to question the validity  
5 of the bonds issued or to prevent their issue must be instituted not later  
6 than the date set for sale of the bonds, and all of the bonds after that  
7 date are incontestable.

8 SECTION 17. IC 12-29-1-5, AS AMENDED BY P.L.219-2007,  
9 SECTION 96, AND AS AMENDED BY P.L.224-2007, SECTION  
10 101, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2008]: Sec. 5. All general Indiana statutes  
12 relating to the following apply to the issuance of county bonds under  
13 this chapter:

14 (1) The filing of a petition requesting the issuance of bonds.

15 (2) The giving of notice of the following:

16 (A) The filing of the petition requesting the issuance of the  
17 bonds.

18 (B) The determination to issue bonds.

19 (C) A hearing on the appropriation of the proceeds of the  
20 bonds.

21 (3) The right of taxpayers to appear and be heard on the proposed  
22 appropriation.

23 (4) The approval of the appropriation by the department of local  
24 government finance (*before January 1, 2009*) or the county board  
25 of tax and capital projects review (*after December 31, 2008*).

26 (5) The right of:

27 (A) taxpayers *and voters* to remonstrate against the issuance  
28 of bonds **in the case of a proposed bond issue described by**  
29 **IC 6-1.1-20-3.1(a); or**

30 **(B) voters to vote on the issuance of bonds in the case of a**  
31 **proposed bond issue described by IC 6-1.1-20-3.5(a).**

32 SECTION 18. IC 12-29-2-18, AS AMENDED BY P.L.219-2007,  
33 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2008]: Sec. 18. All general Indiana statutes relating to the  
35 following apply to the issuance of county bonds under this chapter:

36 (1) The filing of a petition requesting the issuance of bonds.

37 (2) The giving of notice of the following:

38 (A) The filing of the petition requesting the issuance of the  
39 bonds.

40 (B) The determination to issue bonds.

41 (C) A hearing on the appropriation of the proceeds of the  
42 bonds.

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(3) The right of taxpayers to appear and be heard on the proposed appropriation.

(4) The approval of the appropriation by the department of local government finance.

(5) The right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds **in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or**

(B) voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a).

SECTION 19. IC 14-27-6-40, AS AMENDED BY P.L.219-2007, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 40. The provisions of IC 5-1 and IC 6-1.1-20 relating to the following apply to proceedings under this chapter:

(1) The filing of a petition requesting the issuance of bonds and giving notice of the petition.

(2) The giving of notice of determination to issue bonds.

(3) The giving of notice of hearing on the appropriation of the proceeds of bonds and the right of taxpayers to appeal and be heard on the proposed appropriation.

(4) The approval of the appropriation by the department of local government finance.

(5) The right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds **in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or**

(B) voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a).

(6) The sale of bonds at public sale for not less than the par value.

SECTION 20. IC 14-33-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) Before offering bonds for sale, the board shall give notice in the same manner as is ~~provided~~ **required by IC 6-1.1-20** for the sale of bonds by municipal corporations.

(b) Persons affected are entitled to:

(1) remonstrate against issuance of the bonds **(in the case of a preliminary determination made before July 1, 2008, to issue bonds); or**

(2) **vote on the proposed issuance of bonds in an election on a local public question (in the case of a preliminary determination made after June 30, 2008, to issue bonds).**

(c) An action to question the validity of the bonds may not be

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1 instituted after the date fixed for sale, and the bonds are incontestable  
2 after that time.

3 SECTION 21. IC 14-33-11-9 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. If the board is denied  
5 the right to issue bonds as a result of remonstrance proceedings **or an**  
6 **election on a local public question held under IC 6-1.1-20-3.6:**

7 (1) all contracts let by the board for work to be paid from the sale  
8 of bonds are void; and

9 (2) no liability accrues to the district or to the board.

10 SECTION 22. IC 16-22-6-20 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20. (a) If the execution  
12 of the original or a modified lease is authorized, notice of the signing  
13 shall be published on behalf of the county one (1) time in a newspaper  
14 of general circulation and published in the county. Except as provided  
15 in subsection (b), at least ten (10) taxpayers in the county whose tax  
16 rate will be affected by the proposed lease may file a petition with the  
17 county auditor not more than thirty (30) days after publication of notice  
18 of the execution of the lease. The petition must set forth the objections  
19 to the lease and facts showing that the execution of the lease is  
20 unnecessary or unwise or that the lease rental is not fair and reasonable.

21 (b) The authority for taxpayers to object to a proposed lease  
22 described in subsection (a) does not apply if the authority complies  
23 with the procedures for the issuance of bonds and other evidences of  
24 indebtedness described in ~~IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2.~~  
25 **IC 6-1.1-20.**

26 SECTION 23. IC 16-22-8-43, AS AMENDED BY P.L.194-2007,  
27 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2008]: Sec. 43. (a) The corporation may issue general  
29 obligation bonds to procure funds to pay the cost of acquiring real  
30 property or constructing, enlarging, improving, remodeling, repairing,  
31 or equipping buildings for use as a hospital, a health care facility, or an  
32 administrative facility. The issuance of the bonds shall be authorized  
33 by a board resolution providing for the amount, terms, and tenor of the  
34 bonds, for the time and character of notice, and the mode of making the  
35 sale. The bonds shall be payable not more than forty (40) years after the  
36 date of issuance. The bonds shall be executed in the name of the  
37 corporation by the executive director.

38 (b) The executive director shall manage and supervise the  
39 preparation, advertisement, and sale of bonds, subject to the provisions  
40 of the authorizing resolution. Before the sale of the bonds, the  
41 executive director shall publish notice of the sale in accordance with  
42 IC 5-3-1, setting out the time and place where bids will be received, the

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amount and maturity dates of the issue, the maximum interest rate, and the terms and conditions of sale and delivery of the bonds. The bonds shall be sold to the highest and best bidder. After the bonds have been sold and executed, the executive director shall deliver the bonds to the treasurer of the corporation and take the treasurer's receipt, and shall certify to the treasurer the amount that the purchaser is to pay, together with the name and address of the purchaser. On payment of the purchase price, the treasurer shall deliver the bonds to the purchaser, and the treasurer and executive director shall report the actions to the board.

(c) IC 5-1 and IC 6-1.1-20 apply to the following proceedings:

- (1) Notice and filing of the petition requesting the issuance of the bonds.
- (2) Notice of determination to issue bonds.
- (3) Notice of hearing on the appropriation of the proceeds of the bonds and the right of taxpayers to appeal and be heard.
- (4) Approval by the department of local government finance.
- (5) The right to:

**(A) remonstrate in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or**

**(B) vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a).**

- (6) Sale of bonds at public sale for not less than the par value.

(d) The bonds are the direct general obligations of the corporation and are payable out of unlimited ad valorem taxes levied and collected on all the taxable property within the county of the corporation. All officials and bodies having to do with the levying of taxes for the corporation shall see that sufficient levies are made to meet the principal and interest on the bonds at the time fixed for payment.

(e) The bonds are exempt from taxation for all purposes but the interest is subject to the adjusted gross income tax.

SECTION 24. IC 20-46-7-8, AS AMENDED BY P.L.224-2007, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) A school corporation must file a petition requesting approval from the department of local government finance to:

- (1) incur bond indebtedness;
- (2) enter into a lease rental agreement; or
- (3) repay from the debt service fund loans made for the purchase of school buses under IC 20-27-4-5;

not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under ~~IC 6-1.1-20-3.1(2)~~;

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**IC 6-1.1-20-3.1(b)(2) or IC 6-1.1-20-3.5(b)(2), whichever is applicable,** unless the school corporation demonstrates that a longer period is reasonable in light of the school corporation's facts and circumstances.

(b) A school corporation must obtain approval from the department of local government finance before the school corporation may:

- (1) incur the indebtedness;
- (2) enter into the lease agreement; or
- (3) repay the school bus purchase loan.

(c) This restriction does not apply to property taxes that a school corporation levies to pay or fund bond or lease rental indebtedness created or incurred before July 1, 1974. In addition, this restriction does not apply to a lease agreement or a purchase agreement entered into between a school corporation and the Indiana bond bank for the lease or purchase of a school bus under IC 5-1.5-4-1(a)(5), if the lease agreement or purchase agreement conforms with the school corporation's ten (10) year school bus replacement plan approved by the department of local government finance under IC 21-2-11.5-3.1 **(before its repeal) or IC 20-46-5.**

(d) This section does not apply to:

- (1) school bus purchase loans made by a school corporation that will be repaid solely from the general fund of the school corporation; or
- (2) bonded indebtedness incurred or lease rental agreements entered into for capital projects approved by a county board of tax and capital projects review under IC 6-1.1-29.5 after December 31, 2008.

SECTION 25. IC 20-47-4-6, AS ADDED BY P.L.2-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) A lessor corporation may acquire and finance an existing school building, other than as provided in section 5 of this chapter, and lease the existing school building to a school corporation. A school corporation shall comply with:

(1) IC 20-47-2 or IC 20-47-3; and

**(2) either:**

- (A) the petition and remonstrance provisions under IC 6-1.1-20 (in the case of a preliminary determination made before July 1, 2008, to enter into a lease); or**
- (B) the local public question provisions under IC 6-1.1-20 (in the case of a preliminary determination made after June 30, 2008, to enter into a lease).**

(b) A lease made under this section may provide for the payment of

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1 lease rentals by the school corporation for the use of the existing school  
2 building.

3 (c) Lease rental payments made under the lease do not constitute a  
4 debt of the school corporation for purposes of the Constitution of the  
5 State of Indiana.

6 (d) A new school building may be substituted for the existing school  
7 building under the lease if the substitution was included in the notices  
8 given under IC 20-47-2, IC 20-47-3, and IC 6-1.1-20. A new school  
9 building must be substituted for the existing school building upon  
10 completion of the new school building.

11 SECTION 26. IC 20-48-1-2, AS AMENDED BY P.L.1-2007,  
12 SECTION 155, IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) As used in this section,  
14 "retirement or severance liability" means the payments anticipated to  
15 be required to be made to employees of a school corporation upon or  
16 after termination of the employment of the employees by the school  
17 corporation under an existing or previous employment agreement.

18 (b) This section applies to each school corporation that:

19 (1) did not issue bonds under IC 20-5-4-1.7 before its repeal; or

20 (2) issued bonds under IC 20-5-4-1.7:

21 (A) before April 14, 2003; or

22 (B) after April 13, 2003, if an order approving the issuance of  
23 the bonds was issued by the department of local government  
24 finance before April 14, 2003.

25 (c) In addition to the purposes set forth in section 1 of this chapter,  
26 a school corporation described in subsection (b) may issue bonds to  
27 implement solutions to contractual retirement or severance liability.  
28 The issuance of bonds for this purpose is subject to the following  
29 conditions:

30 (1) The school corporation may issue bonds under this section  
31 only one (1) time.

32 (2) A school corporation described in subsection (b)(1) or  
33 (b)(2)(A) must issue the bonds before July 1, 2006. A school  
34 corporation described in subsection (b)(2)(B) must file a petition  
35 with the department of local government finance under  
36 IC 6-1.1-19-8 requesting approval to incur bond indebtedness  
37 under this section before July 1, 2006.

38 (3) The solution to which the bonds are contributing must be  
39 reasonably expected to reduce the school corporation's unfunded  
40 contractual liability for retirement or severance payments as it  
41 existed on June 30, 2001.

42 (4) The amount of the bonds that may be issued for the purpose

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described in this section may not exceed:

(A) two percent (2%) of the true tax value of property in the school corporation, for a school corporation that did not issue bonds under IC 20-5-4-1.7 (before its repeal); or

(B) the remainder of:

(i) two percent (2%) of the true tax value of property in the school corporation as of the date that the school corporation issued bonds under IC 20-5-4-1.7 (before its repeal); minus

(ii) the amount of bonds that the school corporation issued under IC 20-5-4-1.7 (before its repeal);

for a school corporation that issued bonds under IC 20-5-4-1.7 **(before its repeal)** as described in subsection (b)(2).

(5) Each year that a debt service levy is needed under this section, the school corporation shall reduce the total property tax levy for the school corporation's transportation, school bus replacement, capital projects, and art association and historical society funds, as appropriate, in an amount equal to the property tax levy needed for the debt service under this section. The property tax rate for each of these funds shall be reduced each year until the bonds are retired.

(6) The school corporation shall establish a separate debt service fund for repayment of the bonds issued under this section.

(d) Bonds issued for the purpose described in this section shall be issued in the same manner as other bonds of the school corporation.

(e) Bonds issued under this section are not subject to:

(1) the petition and remonstrance process under IC 6-1.1-20;

**(2) a public question under IC 6-1.1-20-3.5 and IC 6-1.1-20-3.6; or to**

**(3) the limitations contained in IC 36-1-15.**

SECTION 27. IC 20-48-1-8, AS AMENDED BY P.L.219-2007, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. The provisions of all general statutes and rules relating to:

(1) filing petitions requesting the issuance of bonds and giving notice of the issuance of bonds;

(2) giving notice of determination to issue bonds;

(3) giving notice of a hearing on the appropriation of the proceeds of the bonds and the right of taxpayers to appear and be heard on the proposed appropriation;

(4) the approval of the appropriation by the department of local government finance; and

(5) the right of:

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(A) taxpayers and voters to remonstrate against the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or

(B) voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a);

apply to proceedings for the issuance of bonds and the making of an emergency loan under this article and IC 20-26-1 through IC 20-26-5. An action to contest the validity of the bonds or emergency loans may not be brought later than five (5) days after the acceptance of a bid for the sale of the bonds.

SECTION 28. IC 36-3-5-8, AS AMENDED BY P.L.219-2007, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) This section applies whenever a special taxing district of the consolidated city has the power to issue bonds, notes, or warrants.

(b) Before any bonds, notes, or warrants of a special taxing district may be issued, the issue must be approved by resolution of the legislative body of the consolidated city.

(c) Any bonds of a special taxing district must be issued in the manner prescribed by statute for that district, and the board of the department having jurisdiction over the district shall:

- (1) hold all required hearings;
- (2) adopt all necessary resolutions; and
- (3) appropriate the proceeds of the bonds;

in that manner. However, the legislative body shall levy each year the special tax required to pay the principal of and interest on the bonds and any bank paying charges.

(d) Notwithstanding any other statute, bonds of a special taxing district may:

- (1) be dated;
- (2) be issued in any denomination;
- (3) mature at any time or times not exceeding fifty (50) years after their date; and
- (4) be payable at any bank or banks;

as determined by the board. The interest rate or rates that the bonds will bear must be determined by bidding, notwithstanding IC 5-1-11-3.

(e) Bonds of a special taxing district are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to **the following**:

- (1) The filing of a petition requesting the issuance of bonds and giving notice of the petition.
- (2) The giving of notice of a hearing on the appropriation of the proceeds of bonds.

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(3) The right of taxpayers to appear and be heard on the proposed appropriation.

(4) The approval of the appropriation by the department of local government finance.

(5) The right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds ~~and in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or~~

(B) voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a).

(6) The sale of bonds at public sale.

SECTION 29. IC 36-5-2-11, AS AMENDED BY P.L.219-2007, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) The legislative body may issue bonds for the purpose of procuring money to be used in the exercise of the powers of the town and for the payment of town debts. However, a town may not issue bonds to procure money to pay current expenses.

(b) Bonds issued under this section are payable in the amounts and at the times determined by the legislative body.

(c) Bonds issued under this section are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to **the following:**

(1) The filing of a petition requesting the issuance of bonds and giving notice of the petition.

(2) The giving of notice of a hearing on the appropriation of the proceeds of bonds.

(3) The right of taxpayers to appear and be heard on the proposed appropriation.

(4) The approval of the appropriation by the department of local government finance.

(5) The right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds ~~and in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or~~

(B) voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a).

(6) The sale of bonds at public sale for not less than their par value.

(d) The legislative body may, by ordinance, make loans of money for not more than five (5) years and issue notes for the purpose of refunding those loans. The loans may be made only for the purpose of procuring money to be used in the exercise of the powers of the town,

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and the total amount of outstanding loans under this subsection may not exceed five percent (5%) of the town's total tax levy in the current year (excluding amounts levied to pay debt service and lease rentals). Loans under this subsection shall be made as follows:

(1) The ordinance authorizing the loans must pledge to their payment a sufficient amount of tax revenues over the ensuing five (5) years to provide for refunding the loans.

(2) The loans must be evidenced by notes of the town in terms designating the nature of the consideration, the time and place payable, and the revenues out of which they will be payable.

(3) The interest accruing on the notes to the date of maturity may be added to and included in their face value or be made payable periodically, as provided in the ordinance.

Notes issued under this subsection are not bonded indebtedness for purposes of IC 6-1.1-18.5.

SECTION 30. IC 36-7-14-25.1, AS AMENDED BY P.L.219-2007, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 25.1. (a) In addition to other methods of raising money for property acquisition or redevelopment in a redevelopment project area, and in anticipation of the special tax to be levied under section 27 of this chapter, the taxes allocated under section 39 of this chapter, or other revenues of the district, or any combination of these sources, the redevelopment commission may, by resolution and subject to subsection (p), issue the bonds of the special taxing district in the name of the unit. The amount of the bonds may not exceed the total, as estimated by the commission, of all expenses reasonably incurred in connection with the acquisition and redevelopment of the property, including:

(1) the total cost of all land, rights-of-way, and other property to be acquired and redeveloped;

(2) all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition and redevelopment of the property or the issuance of bonds;

(3) capitalized interest permitted by this chapter and a debt service reserve for the bonds to the extent the redevelopment commission determines that a reserve is reasonably required; and

(4) expenses that the redevelopment commission is required or permitted to pay under IC 8-23-17.

(b) If the redevelopment commission plans to acquire different parcels of land or let different contracts for redevelopment work at approximately the same time, whether under one (1) or more

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1 resolutions, the commission may provide for the total cost in one (1)  
2 issue of bonds.

3 (c) The bonds must be dated as set forth in the bond resolution and  
4 negotiable, subject to the requirements of the bond resolution for  
5 registering the bonds. The resolution authorizing the bonds must state:

6 (1) the denominations of the bonds;

7 (2) the place or places at which the bonds are payable; and

8 (3) the term of the bonds, which may not exceed fifty (50) years.

9 The resolution may also state that the bonds are redeemable before  
10 maturity with or without a premium, as determined by the  
11 redevelopment commission.

12 (d) The redevelopment commission shall certify a copy of the  
13 resolution authorizing the bonds to the municipal or county fiscal  
14 officer, who shall then prepare the bonds, subject to subsection (p). The  
15 seal of the unit must be impressed on the bonds, or a facsimile of the  
16 seal must be printed on the bonds.

17 (e) The bonds must be executed by the appropriate officer of the  
18 unit, and attested by the municipal or county fiscal officer.

19 (f) The bonds are exempt from taxation for all purposes.

20 (g) The municipal or county fiscal officer shall give notice of the  
21 sale of the bonds by publication in accordance with IC 5-3-1. The  
22 municipal fiscal officer, or county fiscal officer or executive, shall sell  
23 the bonds to the highest bidder, but may not sell them for less than  
24 ninety-seven percent (97%) of their par value. However, bonds payable  
25 solely or in part from tax proceeds allocated under section 39(b)(2) of  
26 this chapter, or other revenues of the district may be sold at a private  
27 negotiated sale.

28 (h) Except as provided in subsection (i), a redevelopment  
29 commission may not issue the bonds when the total issue, including  
30 bonds already issued and to be issued, exceeds two percent (2%) of the  
31 adjusted value of the taxable property in the special taxing district, as  
32 determined under IC 36-1-15.

33 (i) The bonds are not a corporate obligation of the unit but are an  
34 indebtedness of the taxing district. The bonds and interest are payable,  
35 as set forth in the bond resolution of the redevelopment commission:

36 (1) from a special tax levied upon all of the property in the taxing  
37 district, as provided by section 27 of this chapter;

38 (2) from the tax proceeds allocated under section 39(b)(2) of this  
39 chapter;

40 (3) from other revenues available to the redevelopment  
41 commission; or

42 (4) from a combination of the methods stated in subdivisions (1)

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through (3).

If the bonds are payable solely from the tax proceeds allocated under section 39(b)(2) of this chapter, other revenues of the redevelopment commission, or any combination of these sources, they may be issued in any amount without limitation.

(j) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years from the date of issuance.

(k) All laws relating to the giving of notice of the issuance of bonds, the giving of notice of a hearing on the appropriation of the proceeds of the bonds, the right of taxpayers to appear and be heard on the proposed appropriation, and the approval of the appropriation by the department of local government finance apply to all bonds issued under this chapter that are payable from the special benefits tax levied pursuant to section 27 of this chapter or from taxes allocated under section 39 of this chapter.

(l) All laws relating to:

(1) the filing of petitions requesting the issuance of bonds; and

(2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds **in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or**

(B) voters to vote on the issuance of bonds **in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a);**

apply to bonds issued under this chapter, except for bonds payable solely from tax proceeds allocated under section 39(b)(2) of this chapter, other revenues of the redevelopment commission, or any combination of these sources.

(m) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(n) Any amount remaining in the debt service reserve after all of the bonds of the issue for which the debt service reserve was established have matured shall be deposited in the allocation fund established under section 39(b)(2) of this chapter.

(o) If bonds are issued under this chapter that are payable solely or in part from revenues to the redevelopment commission from a project or projects, the redevelopment commission may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign the revenues from the project or projects, but may not convey or mortgage any project or parts of a project. The resolution or trust

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indenture may also contain any provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the redevelopment commission. The redevelopment commission may establish fees and charges for the use of any project and covenant with the owners of any bonds to set those fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Any revenue bonds issued by the redevelopment commission that are payable solely from revenues of the commission shall contain a statement to that effect in the form of bond.

(p) If the total principal amount of bonds authorized by a resolution of the redevelopment commission is equal to or greater than three million dollars (\$3,000,000), the bonds may not be issued without the approval, by resolution, of the legislative body of the unit.

SECTION 31. IC 36-7-14.5-12.5, AS AMENDED BY P.L.219-2007, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12.5. (a) This section applies only to an authority in a county having a United States government military base that is scheduled for closing or is completely or partially inactive or closed.

(b) In order to accomplish the purposes set forth in section 11 of this chapter, an authority may create an economic development area:

(1) by following the procedures set forth in IC 36-7-14-41 for the establishment of an economic development area by a redevelopment commission; and

(2) with the same effect as if the economic development area was created by a redevelopment commission.

The area established under this section shall be established only in the area where a United States government military base that is scheduled for closing or is completely or partially inactive or closed is or was located.

(c) In order to accomplish the purposes set forth in section 11 of this chapter, an authority may do the following in a manner that serves an economic development area created under this section:

(1) Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal property or interest in real property needed for the redevelopment of economic development areas located within the corporate boundaries of the unit.

(2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of economic

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development areas on the terms and conditions that the authority considers best for the unit and the unit's inhabitants.

(3) Sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the unit or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on.

(4) Clear real property acquired for redevelopment purposes.

(5) Repair and maintain structures acquired for redevelopment purposes.

(6) Remodel, rebuild, enlarge, or make major structural improvements on structures acquired for redevelopment purposes.

(7) Survey or examine any land to determine whether the land should be included within an economic development area to be acquired for redevelopment purposes and to determine the value of that land.

(8) Appear before any other department or agency of the unit, or before any other governmental agency in respect to any matter affecting:

(A) real property acquired or being acquired for redevelopment purposes; or

(B) any economic development area within the jurisdiction of the authority.

(9) Institute or defend in the name of the unit any civil action, but all actions against the authority must be brought in the circuit or superior court of the county where the authority is located.

(10) Use any legal or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform the duties of the authority.

(11) Exercise the power of eminent domain in the name of and within the corporate boundaries of the unit subject to the same conditions and procedures that apply to the exercise of the power of eminent domain by a redevelopment commission under IC 36-7-14.

(12) Appoint an executive director, appraisers, real estate experts, engineers, architects, surveyors, and attorneys.

(13) Appoint clerks, guards, laborers, and other employees the authority considers advisable, except that those appointments must be made in accordance with the merit system of the unit if such a system exists.

(14) Prescribe the duties and regulate the compensation of employees of the authority.

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(15) Provide a pension and retirement system for employees of the authority by using the public employees' retirement fund or a retirement plan approved by the United States Department of Housing and Urban Development.

(16) Discharge and appoint successors to employees of the authority subject to subdivision (13).

(17) Rent offices for use of the department or authority, or accept the use of offices furnished by the unit.

(18) Equip the offices of the authority with the necessary furniture, furnishings, equipment, records, and supplies.

(19) Design, order, contract for, and construct, reconstruct, improve, or renovate the following:

(A) Any local public improvement or structure that is necessary for redevelopment purposes or economic development within the corporate boundaries of the unit.

(B) Any structure that enhances development or economic development.

(20) Contract for the construction, extension, or improvement of pedestrian skyways (as defined in IC 36-7-14-12.2(c)).

(21) Accept loans, grants, and other forms of financial assistance from, or contract with, the federal government, the state government, a municipal corporation, a special taxing district, a foundation, or any other source.

(22) Make and enter into all contracts and agreements necessary or incidental to the performance of the duties of the authority and the execution of the powers of the authority under this chapter.

(23) Take any action necessary to implement the purpose of the authority.

(24) Provide financial assistance, in the manner that best serves the purposes set forth in section 11 of this chapter, including grants and loans, to enable private enterprise to develop, redevelop, and reuse military base property or otherwise enable private enterprise to provide social and economic benefits to the citizens of the unit.

(d) An authority may designate all or a portion of an economic development area created under this section as an allocation area by following the procedures set forth in IC 36-7-14-39 for the establishment of an allocation area by a redevelopment commission. The allocation provision may modify the definition of "property taxes" under IC 36-7-14-39(a) to include taxes imposed under IC 6-1.1 on the depreciable personal property located and taxable on the site of operations of designated taxpayers in accordance with the procedures

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applicable to a commission under IC 36-7-14-39.3. IC 36-7-14-39.3 applies to such a modification. An allocation area established by an authority under this section is a special taxing district authorized by the general assembly to enable the unit to provide special benefits to taxpayers in the allocation area by promoting economic development that is of public use and benefit. For allocation areas established for an economic development area created under this section after June 30, 1997, and to the expanded portion of an allocation area for an economic development area that was established before June 30, 1997, and that is expanded under this section after June 30, 1997, the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date, must be allocated. All of the provisions of IC 36-7-14-39, IC 36-7-14-39.1, and IC 36-7-14-39.5 apply to an allocation area created under this section, except that the authority shall be vested with the rights and duties of a commission as referenced in those sections, and except that, notwithstanding IC 36-7-14-39(b)(2), property tax proceeds paid into the allocation fund may be used by the authority only to do one (1) or more of the following:

- (1) Pay the principal of and interest and redemption premium on any obligations incurred by the special taxing district or any other entity for the purpose of financing or refinancing military base reuse activities in or serving or benefiting that allocation area.
- (2) Establish, augment, or restore the debt service reserve for obligations payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the authority (including lease rental revenues).
- (3) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.
- (4) Reimburse any other governmental body for expenditures made by it for local public improvements or structures in or serving or benefiting that allocation area.
- (5) Pay all or a portion of a property tax replacement credit to taxpayers in an allocation area as determined by the authority. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:
  - STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

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1 STEP TWO: Divide:

2 (A) that part of each county's eligible property tax  
3 replacement amount (as defined in IC 6-1.1-21-2) for that  
4 year as determined under IC 6-1.1-21-4 that is attributable  
5 to the taxing district; by

6 (B) the STEP ONE sum.

7 STEP THREE: Multiply:

8 (A) the STEP TWO quotient; by

9 (B) the total amount of the taxpayer's taxes (as defined in  
10 IC 6-1.1-21-2) levied in the taxing district that have been  
11 allocated during that year to an allocation fund under this  
12 section.

13 If not all the taxpayers in an allocation area receive the credit in  
14 full, each taxpayer in the allocation area is entitled to receive the  
15 same proportion of the credit. A taxpayer may not receive a credit  
16 under this section and a credit under IC 36-7-14-39.5 in the same  
17 year.

18 (6) Pay expenses incurred by the authority for local public  
19 improvements or structures that are in the allocation area or  
20 serving or benefiting the allocation area.

21 (7) Reimburse public and private entities for expenses incurred in  
22 training employees of industrial facilities that are located:

23 (A) in the allocation area; and

24 (B) on a parcel of real property that has been classified as  
25 industrial property under the rules of the department of local  
26 government finance.

27 However, the total amount of money spent for this purpose in any  
28 year may not exceed the total amount of money in the allocation  
29 fund that is attributable to property taxes paid by the industrial  
30 facilities described in clause (B). The reimbursements under this  
31 subdivision must be made within three (3) years after the date on  
32 which the investments that are the basis for the increment  
33 financing are made. The allocation fund may not be used for  
34 operating expenses of the authority.

35 (e) In addition to other methods of raising money for property  
36 acquisition, redevelopment, or economic development activities in or  
37 directly serving or ~~benefitting~~ **benefitting** an economic development  
38 area created by an authority under this section, and in anticipation of  
39 the taxes allocated under subsection (d), other revenues of the  
40 authority, or any combination of these sources, the authority may, by  
41 resolution, issue the bonds of the special taxing district in the name of  
42 the unit. Bonds issued under this section may be issued in any amount

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without limitation. The following apply if such a resolution is adopted:

(1) The authority shall certify a copy of the resolution authorizing the bonds to the municipal or county fiscal officer, who shall then prepare the bonds. The seal of the unit must be impressed on the bonds, or a facsimile of the seal must be printed on the bonds.

(2) The bonds must be executed by the appropriate officer of the unit and attested by the unit's fiscal officer.

(3) The bonds are exempt from taxation for all purposes.

(4) Bonds issued under this section may be sold at public sale in accordance with IC 5-1-11 or at a negotiated sale.

(5) The bonds are not a corporate obligation of the unit but are an indebtedness of the taxing district. The bonds and interest are payable, as set forth in the bond resolution of the authority:

(A) from the tax proceeds allocated under subsection (d);

(B) from other revenues available to the authority; or

(C) from a combination of the methods stated in clauses (A) and (B).

(6) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years from the date of issuance.

(7) Laws relating to:

(A) the filing of petitions requesting the issuance of bonds; and

(B) the right of:

(i) taxpayers and voters to remonstrate against the issuance of bonds **under IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2; or**

(ii) **voters to vote on the proposed issuance of bonds under IC 6-1.1-20-3.5 and IC 6-1.1-20-3.6;**

do not apply to bonds issued under this section.

(8) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(9) If bonds are issued under this chapter that are payable solely or in part from revenues to the authority from a project or projects, the authority may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign the revenues from the project or projects. The resolution or trust indenture may also contain any provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority. The authority

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may establish fees and charges for the use of any project and covenant with the owners of any bonds to set those fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Any revenue bonds issued by the authority that are payable solely from revenues of the authority shall contain a statement to that effect in the form of bond.

(f) Notwithstanding section 8(a) of this chapter, an ordinance adopted under ~~section 11~~ of this chapter may provide, or be amended to provide, that the board of directors of the authority shall be composed of not fewer than three (3) nor more than eleven (11) members, who must be residents of the unit appointed by the executive of the unit.

(g) The acquisition of real and personal property by an authority under this section is not subject to the provisions of IC 5-22, IC 36-1-10.5, IC 36-7-14-19, or any other statutes governing the purchase of property by public bodies or their agencies.

(h) An authority may negotiate for the sale, lease, or other disposition of real and personal property without complying with the provisions of IC 5-22-22, IC 36-1-11, IC 36-7-14-22, or any other statute governing the disposition of public property.

(i) Notwithstanding any other law, utility services provided within an economic development area established under this section are subject to regulation by the appropriate regulatory agencies unless the utility service is provided by a utility that provides utility service solely within the geographic boundaries of an existing or a closed military installation, in which case the utility service is not subject to regulation for purposes of rate making, regulation, service delivery, or issuance of bonds or other forms of indebtedness. However, this exemption from regulation does not apply to utility service if the service is generated, treated, or produced outside the boundaries of the existing or closed military installation.

SECTION 32. IC 36-7-15.1-17, AS AMENDED BY P.L.219-2007, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) In addition to other methods of raising money for property acquisition or redevelopment in a redevelopment project area, and in anticipation of the special tax to be levied under section 19 of this chapter, the taxes allocated under section 26 of this chapter, or other revenues of the redevelopment district, the commission may, by resolution, issue the bonds of the redevelopment district in the name of the consolidated city and in accordance with IC 36-3-5-8. The amount of the bonds may not exceed the total, as estimated by the commission, of all expenses reasonably

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incurred in connection with the acquisition and redevelopment of the property, including:

- (1) the total cost of all land, rights-of-way, and other property to be acquired and redeveloped;
- (2) all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition and redevelopment of the property or the issuance of bonds;
- (3) capitalized interest permitted in this chapter and a debt service reserve for the bonds, to the extent that the redevelopment commission determines that a reserve is reasonably required;
- (4) the total cost of all clearing and construction work provided for in the resolution; and
- (5) expenses that the commission is required or permitted to pay under IC 8-23-17.

(b) If the commission plans to acquire different parcels of land or let different contracts for redevelopment work at approximately the same time, whether under one (1) or more resolutions, the commission may provide for the total cost in one (1) issue of bonds.

(c) The bonds must be dated as set forth in the bond resolution and negotiable subject to the requirements of the bond resolution for the registration of the bonds. The resolution authorizing the bonds must state:

- (1) the denominations of the bonds;
- (2) the place or places at which the bonds are payable; and
- (3) the term of the bonds, which may not exceed fifty (50) years.

The resolution may also state that the bonds are redeemable before maturity with or without a premium, as determined by the commission.

(d) The commission shall certify a copy of the resolution authorizing the bonds to the fiscal officer of the consolidated city, who shall then prepare the bonds. The seal of the unit must be impressed on the bonds, or a facsimile of the seal must be printed on the bonds.

(e) The bonds shall be executed by the city executive and attested by the fiscal officer. The interest coupons, if any, shall be executed by the facsimile signature of the fiscal officer.

(f) The bonds are exempt from taxation as provided by IC 6-8-5.

(g) The city fiscal officer shall sell the bonds according to law. Notwithstanding IC 36-3-5-8, bonds payable solely or in part from tax proceeds allocated under section 26(b)(2) of this chapter or other revenues of the district may be sold at private negotiated sale and at a price or prices not less than ninety-seven percent (97%) of the par value.

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(h) The bonds are not a corporate obligation of the city but are an indebtedness of the redevelopment district. The bonds and interest are payable:

- (1) from a special tax levied upon all of the property in the redevelopment district, as provided by section 19 of this chapter;
- (2) from the tax proceeds allocated under section 26(b)(2) of this chapter;
- (3) from other revenues available to the commission; or
- (4) from a combination of the methods stated in subdivisions (1) through (3);

and from any revenues of the designated project. If the bonds are payable solely from the tax proceeds allocated under section 26(b)(2) of this chapter, other revenues of the redevelopment commission, or any combination of these sources, they may be issued in any amount without limitation.

(i) Proceeds from the sale of the bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years from the date of issue.

(j) Notwithstanding IC 36-3-5-8, the laws relating to:

- (1) the filing of petitions requesting the issuance of bonds; and
- (2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds **under IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2; or**

(B) voters to vote on the proposed issuance of bonds **under IC 6-1.1-20-3.5 and IC 6-1.1-20-3.6;**

applicable to bonds issued under this chapter do not apply to bonds payable solely or in part from tax proceeds allocated under section 26(b)(2) of this chapter, other revenues of the commission, or any combination of these sources.

(k) If bonds are issued under this chapter that are payable solely or in part from revenues to the commission from a project or projects, the commission may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign the revenues from the project or projects, but may not convey or mortgage any project or parts of a project. The resolution or trust indenture may also contain any provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission. The commission may establish fees and charges for the use of any project and covenant with the owners of any bonds to set those fees and charges at a rate sufficient to protect the interest of the owners of the

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bonds. Any revenue bonds issued by the commission that are payable solely from revenues of the commission must contain a statement to that effect in the form of bond.

SECTION 33. IC 36-7-15.1-45, AS AMENDED BY P.L.219-2007, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 45. (a) In addition to other methods of raising money for property acquisition or redevelopment in a redevelopment project area, and in anticipation of the special tax to be levied under section 50 of this chapter, the taxes allocated under section 53 of this chapter, or other revenues of the redevelopment district, a commission may, by resolution, issue the bonds of its redevelopment district in the name of the excluded city. The amount of the bonds may not exceed the total, as estimated by the commission, of all expenses reasonably incurred in connection with the acquisition and redevelopment of the property, including:

- (1) the total cost of all land, rights-of-way, and other property to be acquired and redeveloped;
- (2) all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition and redevelopment of the property or the issuance of bonds;
- (3) capitalized interest permitted in this chapter and a debt service reserve for the bonds, to the extent that the redevelopment commission determines that a reserve is reasonably required;
- (4) the total cost of all clearing and construction work provided for in the resolution; and
- (5) expenses that the commission is required or permitted to pay under IC 8-23-17.

(b) If a commission plans to acquire different parcels of land or let different contracts for redevelopment work at approximately the same time, whether under one (1) or more resolutions, a commission may provide for the total cost in one (1) issue of bonds.

(c) The bonds must be dated as set forth in the bond resolution and negotiable subject to the requirements concerning registration of the bonds. The resolution authorizing the bonds must state:

- (1) the denominations of the bonds;
- (2) the place or places at which the bonds are payable; and
- (3) the term of the bonds, which may not exceed fifty (50) years.

The resolution may also state that the bonds are redeemable before maturity with or without a premium, as determined by the commission.

(d) The commission shall certify a copy of the resolution authorizing the bonds to the fiscal officer of the excluded city, who shall then

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1 prepare the bonds. The seal of the unit must be impressed on the bonds,  
2 or a facsimile of the seal must be printed on the bonds.

3 (e) The bonds shall be executed by the excluded city executive and  
4 attested by the excluded city fiscal officer. The interest coupons, if any,  
5 shall be executed by the facsimile signature of the excluded city fiscal  
6 officer.

7 (f) The bonds are exempt from taxation as provided by IC 6-8-5.

8 (g) The excluded city fiscal officer shall sell the bonds according to  
9 law. Bonds payable solely or in part from tax proceeds allocated under  
10 section 53(b)(2) of this chapter or other revenues of the district may be  
11 sold at private negotiated sale and at a price or prices not less than  
12 ninety-seven percent (97%) of the par value.

13 (h) The bonds are not a corporate obligation of the excluded city but  
14 are an indebtedness of the redevelopment district. The bonds and  
15 interest are payable:

16 (1) from a special tax levied upon all of the property in the  
17 redevelopment district, as provided by section 50 of this chapter;

18 (2) from the tax proceeds allocated under section 53(b)(2) of this  
19 chapter;

20 (3) from other revenues available to the commission; or

21 (4) from a combination of the methods described in subdivisions  
22 (1) through (3);

23 and from any revenues of the designated project. If the bonds are  
24 payable solely from the tax proceeds allocated under section 53(b)(2)  
25 of this chapter, other revenues of the redevelopment commission, or  
26 any combination of these sources, they may be issued in any amount  
27 without limitation.

28 (i) Proceeds from the sale of the bonds may be used to pay the cost  
29 of interest on the bonds for a period not to exceed five (5) years from  
30 the date of issue.

31 (j) The laws relating to:

32 (1) the filing of petitions requesting the issuance of bonds; and

33 (2) the right of:

34 (A) taxpayers and voters to remonstrate against the issuance of  
35 bonds **under IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2; or**

36 (B) voters to vote on the proposed issuance of bonds under  
37 **IC 6-1.1-20-3.5 and IC 6-1.1-20-3.6;**

38 applicable to bonds issued under this chapter do not apply to bonds  
39 payable solely or in part from tax proceeds allocated under section  
40 53(b)(2) of this chapter, other revenues of the commission, or any  
41 combination of these sources.

42 (k) If bonds are issued under this chapter that are payable solely or

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1 in part from revenues to a commission from a project or projects, a  
 2 commission may adopt a resolution or trust indenture or enter into  
 3 covenants as is customary in the issuance of revenue bonds. The  
 4 resolution or trust indenture may pledge or assign the revenues from  
 5 the project or projects but may not convey or mortgage any project or  
 6 parts of a project. The resolution or trust indenture may also contain  
 7 any provisions for protecting and enforcing the rights and remedies of  
 8 the bond owners as may be reasonable and proper and not in violation  
 9 of law, including covenants setting forth the duties of the commission.  
 10 The commission may establish fees and charges for the use of any  
 11 project and covenant with the owners of bonds to set those fees and  
 12 charges at a rate sufficient to protect the interest of the owners of the  
 13 bonds. Any revenue bonds issued by the commission that are payable  
 14 solely from revenues of the commission must contain a statement to  
 15 that effect in the form of bond.

16 SECTION 34. IC 36-7-30-18, AS AMENDED BY P.L.219-2007,  
 17 SECTION 134, IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2008]: Sec. 18. (a) In addition to other methods  
 19 of raising money for property acquisition, redevelopment, or economic  
 20 development activities in or directly serving or benefiting a military  
 21 base reuse area, and in anticipation of the taxes allocated under section  
 22 25 of this chapter, other revenues of the district, or any combination of  
 23 these sources, the reuse authority may by resolution issue the bonds of  
 24 the special taxing district in the name of the unit.

25 (b) The reuse authority shall certify a copy of the resolution  
 26 authorizing the bonds to the municipal or county fiscal officer, who  
 27 shall then prepare the bonds. The seal of the unit must be impressed on  
 28 the bonds, or a facsimile of the seal must be printed on the bonds.

29 (c) The bonds must be executed by the appropriate officer of the  
 30 unit and attested by the unit's fiscal officer.

31 (d) The bonds are exempt from taxation for all purposes.

32 (e) Bonds issued under this section may be sold at public sale in  
 33 accordance with IC 5-1-11 or at a negotiated sale.

34 (f) The bonds are not a corporate obligation of the unit but are an  
 35 indebtedness of the taxing district. The bonds and interest are payable,  
 36 as set forth in the bond resolution of the reuse authority, from any of  
 37 the following:

38 (1) The tax proceeds allocated under section 25 of this chapter.

39 (2) Other revenues available to the reuse authority.

40 (3) A combination of the methods stated in subdivisions (1)  
 41 through (2).

42 If the bonds are payable solely from the tax proceeds allocated under

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section 25 of this chapter, other revenues of the reuse authority, or any combination of these sources, the bonds may be issued in any amount without limitation.

(g) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years after the date of issuance.

(h) All laws relating to:

(1) the filing of petitions requesting the issuance of bonds; and

(2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds **under IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2; or**

(B) voters to vote on the proposed issuance of bonds under **IC 6-1.1-20-3.5 and IC 6-1.1-20-3.6;**

do not apply to bonds issued under this chapter.

(i) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(j) If bonds are issued under this chapter that are payable solely or in part from revenues of the reuse authority, the reuse authority may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign revenues of the reuse authority and properties becoming available to the reuse authority under this chapter. The resolution or trust indenture may also contain provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including a covenant setting forth the duties of the reuse authority. The reuse authority may establish fees and charges for the use of any project and covenant with the owners of any bonds to set the fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Revenue bonds issued by the reuse authority that are payable solely from revenues of the reuse authority shall contain a statement to that effect in the form of the bond.

SECTION 35. IC 36-7-30.5-23, AS AMENDED BY P.L.219-2007, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 23. (a) In addition to other methods of raising money for property acquisition, redevelopment, reuse, or economic development activities in or directly serving or ~~benefitting~~ **benefiting** a military base development area, and in anticipation of the taxes allocated under section 30 of this chapter, other revenues of the district, or any combination of these sources, the development authority may by resolution issue the bonds of the development authority.

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(b) The secretary-treasurer of the development authority shall prepare the bonds. The seal of the development authority must be impressed on the bonds or a facsimile of the seal must be printed on the bonds.

(c) The bonds must be executed by the president of the development authority and attested by the secretary-treasurer.

(d) The bonds are exempt from taxation for all purposes.

(e) Bonds issued under this section may be sold at public sale in accordance with IC 5-1-11 or at a negotiated sale.

(f) The bonds are not a corporate obligation of a unit but are an indebtedness of only the development authority. The bonds and interest are payable, as set forth in the bond resolution of the development authority, from any of the following:

(1) The tax proceeds allocated under section 30 of this chapter.

(2) Other revenues available to the development authority.

(3) A combination of the methods stated in subdivisions (1) through (2).

The bonds issued under this section may be issued in any amount without limitation.

(g) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years after the date of issuance.

(h) All laws relating to:

(1) the filing of petitions requesting the issuance of bonds; and

(2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds **under IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2; or**

(B) voters to vote on the proposed issuance of bonds **under IC 6-1.1-20-3.5 and IC 6-1.1-20-3.6;**

do not apply to bonds issued under this chapter.

(i) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(j) If bonds are issued under this chapter that are payable solely or in part from revenues of the development authority, the development authority may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign revenues of the development authority and properties becoming available to the development authority under this chapter. The resolution or trust indenture may also contain provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and

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proper and not in violation of law, including a covenant setting forth the duties of the development authority. The development authority may establish fees and charges for the use of any project and covenant with the owners of any bonds to set the fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Revenue bonds issued by the development authority that are payable solely from revenues of the development authority shall contain a statement to that effect in the form of the bond.

SECTION 36. IC 36-9-3-31, AS AMENDED BY P.L.219-2007, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 31. (a) This section applies to an authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) The authority may issue revenue or general obligation bonds under this section.

(c) The board may issue revenue bonds of the authority for the purpose of procuring money to pay the cost of acquiring real or personal property for the purpose of this chapter. The issuance of bonds must be authorized by resolution of the board and approved by the county fiscal bodies of the counties in the authority before issuance. The resolution must provide for the amount, terms, and tenor of the bonds, and for the time and character of notice and mode of making sale of the bonds.

(d) The bonds are payable at the times and places determined by the board, but they may not run more than thirty (30) years after the date of their issuance and must be executed in the name of the authority by an authorized officer of the board and attested by the secretary. The interest coupons attached to the bonds may be executed by placing on them the facsimile signature of the authorized officer of the board.

(e) The president of the authority shall manage and supervise the preparation, advertisement, and sale of the bonds, subject to the authorizing ordinance. Before the sale of bonds, the president shall cause notice of the sale to be published in accordance with IC 5-3-1, setting out the time and place where bids will be received, the amount and maturity dates of the issue, the maximum interest rate, and the terms and conditions of sale and delivery of the bonds. The bonds shall be sold in accordance with IC 5-1-11. After the bonds have been properly sold and executed, the executive director or president shall deliver them to the controller of the authority and take a receipt for them, and shall certify to the treasurer the amount that the purchaser is to pay, together with the name and address of the purchaser. On

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1 payment of the purchase price the controller shall deliver the bonds to  
 2 the purchaser, and the controller and executive director or president  
 3 shall report their actions to the board.

4 (f) General obligation bonds issued under this section are subject to  
 5 the provisions of IC 5-1 and IC 6-1.1-20 relating to **the following:**

6 (1) The filing of a petition requesting the issuance of bonds.

7 (2) The appropriation of the proceeds of bonds.

8 (3) The right of taxpayers to appeal and be heard on the proposed  
 9 appropriation.

10 (4) The approval of the appropriation by the department of local  
 11 government finance.

12 (5) The right of:

13 (A) taxpayers and voters to remonstrate against the issuance of  
 14 bonds ~~and in the case of a proposed bond issue described by~~  
 15 **IC 6-1.1-20-3.1(a); or**

16 **(B) voters to vote on the issuance of bonds in the case of a**  
 17 **proposed bond issue described by IC 6-1.1-20-3.5(a).**

18 (6) The sale of bonds for not less than their par value.

19 (g) Notice of the filing of a petition requesting the issuance of  
 20 bonds, notice of determination to issue bonds, and notice of the  
 21 appropriation of the proceeds of the bonds shall be given by posting in  
 22 the offices of the authority for a period of one (1) week and by  
 23 publication in accordance with IC 5-3-1.

24 (h) The bonds are not a corporate indebtedness of any unit, but are  
 25 an indebtedness of the authority as a municipal corporation. A suit to  
 26 question the validity of the bonds issued or to prevent their issuance  
 27 may not be instituted after the date set for sale of the bonds, and after  
 28 that date the bonds may not be contested for any cause.

29 (i) The bonds issued under this section and the interest on them are  
 30 exempt from taxation for all purposes except the financial institutions  
 31 tax imposed under IC 6-5.5 or a state inheritance tax imposed under  
 32 IC 6-4.1.

33 SECTION 37. IC 36-9-4-45, AS AMENDED BY P.L.219-2007,  
 34 SECTION 142, IS AMENDED TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2008]: Sec. 45. (a) Bonds issued under this  
 36 chapter:

37 (1) shall be issued in the denomination;

38 (2) are payable over a period not to exceed thirty (30) years from  
 39 the date of the bonds; and

40 (3) mature;

41 as determined by the ordinance authorizing the bond issue.

42 (b) All bonds issued under this chapter, the interest on them, and the

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1 income from them are exempt from taxation to the extent provided by  
2 IC 6-8-5-1.

3 (c) The provisions of IC 6-1.1-20 relating to:

4 (1) filing petitions requesting the issuance of bonds and giving  
5 notice of those petitions;

6 (2) giving notice of a hearing on the appropriation of the proceeds  
7 of the bonds;

8 (3) the right of taxpayers to appear and be heard on the proposed  
9 appropriation;

10 (4) the approval of the appropriation by the department of local  
11 government finance; and

12 (5) the right of:

13 (A) taxpayers and voters to remonstrate against the issuance of  
14 bonds **in the case of a proposed bond issue described by**  
15 **IC 6-1.1-20-3.1(a); or**

16 (B) voters to vote on the issuance of bonds in the case of a  
17 **proposed bond issue described by IC 6-1.1-20-3.5(a);**

18 apply to the issuance of bonds under this chapter.

19 (d) A suit to question the validity of bonds issued under this chapter  
20 or to prevent their issue and sale may not be instituted after the date set  
21 for the sale of the bonds, and the bonds are incontestable after that date.

22 SECTION 38. IC 36-10-3-24, AS AMENDED BY P.L.219-2007,  
23 SECTION 144, IS AMENDED TO READ AS FOLLOWS  
24 [EFFECTIVE JULY 1, 2008]: Sec. 24. (a) In order to raise money to  
25 pay for land to be acquired for any of the purposes named in this  
26 chapter, to pay for an improvement authorized by this chapter, or both,  
27 and in anticipation of the special benefit tax to be levied as provided in  
28 this chapter, the board shall cause to be issued, in the name of the unit,  
29 the bonds of the district. The bonds may not exceed in amount the total  
30 cost of all land to be acquired and all improvements described in the  
31 resolution, including all expenses necessarily incurred in connection  
32 with the proceedings, together with a sum sufficient to pay the costs of  
33 supervision and inspection during the period of construction of a work.  
34 The expenses to be covered in the bond issue include all expenses of  
35 every kind actually incurred preliminary to acquiring the land and the  
36 construction of the work, such as the cost of the necessary record,  
37 engineering expenses, publication of notices, preparation of bonds, and  
38 other necessary expenses. If more than one (1) resolution or proceeding  
39 of the board under section 23 of this chapter is confirmed whereby  
40 different parcels of land are to be acquired, or more than one (1)  
41 contract for work is let by the board at approximately the same time,  
42 the cost involved under all of the resolutions and proceedings may be

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1 included in one (1) issue of bonds.

2 (b) The bonds may be issued in any denomination not less than one  
3 thousand dollars (\$1,000) each, in not less than five (5) nor more than  
4 forty (40) annual series. The bonds are payable one (1) series each  
5 year, beginning at a date after the receipt of taxes from a levy made for  
6 that purpose. The bonds are negotiable. The bonds may bear interest at  
7 any rate, payable semiannually. After adopting a resolution ordering  
8 bonds, the board shall certify a copy of the resolution to the unit's fiscal  
9 officer. The fiscal officer shall prepare the bonds, and the unit's  
10 executive shall execute them, attested by the fiscal officer.

11 (c) The bonds and the interest on them are exempt from taxation as  
12 prescribed by IC 6-8-5-1. Bonds issued under this section are subject  
13 to the provisions of IC 5-1 and IC 6-1.1-20 relating to:

14 (1) the filing of a petition requesting the issuance of bonds;

15 (2) the right of:

16 (A) taxpayers and voters to remonstrate against the issuance of  
17 bonds **in the case of a proposed bond issue described by**  
18 **IC 6-1.1-20-3.1(a); or**

19 **(B) voters to vote on the issuance of bonds in the case of a**  
20 **proposed bond issue described by IC 6-1.1-20-3.5(a);**

21 (3) the appropriation of the proceeds of the bonds and approval by  
22 the department of local government finance; and

23 (4) the sale of bonds at public sale for not less than their par  
24 value.

25 (d) The board may not have bonds of the district issued under this  
26 section that are payable by special taxation when the total issue for that  
27 purpose, including the bonds already issued or to be issued, exceeds  
28 two percent (2%) of the adjusted value of the taxable property in the  
29 district as determined under IC 36-1-15. All bonds or obligations  
30 issued in violation of this subsection are void. The bonds are not  
31 obligations or indebtedness of the unit, but constitute an indebtedness  
32 of the district as a special taxing district. The bonds and interest are  
33 payable only out of a special tax levied upon all the property of the  
34 district as prescribed by this chapter. The bonds must recite the terms  
35 upon their face, together with the purposes for which they are issued.

36 SECTION 39. IC 36-10-4-35 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 35. (a) In order to pay  
38 for:

39 (1) land to be acquired for any of the purposes of this chapter;

40 (2) an improvement authorized by this chapter; or

41 (3) both;

42 the board shall issue the bonds of the district in the name of the city in

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1 anticipation of the special benefits tax to be levied under this chapter.  
 2 The amount of the bonds may not exceed the estimated cost of all land  
 3 to be acquired and the estimated cost of all improvements provided in  
 4 the resolution, including all expenses necessarily incurred in the  
 5 proceedings and a sum sufficient to pay the estimated costs of  
 6 supervision and inspection during the period of construction. Expenses  
 7 include all expenses actually incurred preliminary to acquisition of the  
 8 land and the construction work, such as the estimated cost of the  
 9 necessary record, engineering expenses, publication of notices,  
 10 preparation of bonds, and other expenses necessary to letting the  
 11 contract and selling the bonds.

12 (b) The total amount of any benefits that have been assessed by the  
 13 board and confirmed against lots and parcels of land, exclusive of  
 14 improvements, lying within two thousand (2,000) feet on either side of  
 15 the land to be acquired or of the improvement, however, shall be  
 16 deducted from the estimated cost.

17 (c) If more than one (1) resolution or proceeding of the board under  
 18 section 25 of this chapter is confirmed whereby different parcels of  
 19 land are to be acquired or more than one (1) contract for work is let by  
 20 the board at approximately the same time, the estimated cost involved  
 21 under all of the resolutions and proceedings may be contained in one  
 22 (1) issue of bonds.

23 (d) The bonds shall be issued in any denomination up to five  
 24 thousand dollars (\$5,000) each. The bonds are negotiable instruments  
 25 and bear interest at a rate established by the board and approved by the  
 26 city legislative body.

27 (e) After adopting a resolution ordering the bonds, the board shall  
 28 certify a copy of the resolution to the fiscal officer of the city. The  
 29 fiscal officer shall then prepare the bonds, which shall be executed by  
 30 the city executive and attested by the fiscal officer. The bonds are  
 31 exempt from taxation for all purposes and are subject to IC 6-1.1-20  
 32 concerning:

33 (1) the filing of a petition requesting the issuance of bonds; and

34 (2) the right of:

35 (A) taxpayers to remonstrate against the issuance of bonds **in**  
 36 **the case of a proposed bond issue described by**  
 37 **IC 6-1.1-20-3.1(a); or**

38 (B) voters to vote on the issuance of bonds **in the case of a**  
 39 **proposed bond issue described by IC 6-1.1-20-3.5(a).**

40 (f) All bonds shall be sold at not less than par value plus accrued  
 41 interest to date of delivery by the city fiscal officer to the highest bidder  
 42 after giving notice of the sale of the bonds by publication in accordance

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1 with IC 5-3-1.

2 (g) The bonds are subject to approval by the city legislative body,  
3 in the manner it prescribes by ordinance or resolution.

4 (h) The bonds are not corporate obligations or indebtedness of the  
5 city, but are an indebtedness of the district as a special taxing district.  
6 The bonds and interest are payable only out of a special tax levied upon  
7 all property of the district. The bonds must recite these terms upon their  
8 face, together with the purposes for which they are issued.

9 (i) An action to question the validity of bonds of the district or to  
10 prevent their issue may not be brought after the date set for the sale of  
11 the bonds.

12 (j) The board may, instead of selling the bonds in series, sell the  
13 bonds to run for a period of five (5) years from the date of issue for the  
14 purposes of this chapter at any rate of interest payable semiannually,  
15 also exempt from taxation for all purposes. The board may sell bonds  
16 in series to refund the five (5) year bonds.

17 SECTION 40. IC 36-10-7.5-22, AS AMENDED BY P.L.219-2007,  
18 SECTION 145, IS AMENDED TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2008]: Sec. 22. (a) To raise money to pay for  
20 land to be acquired for any of the purposes named in this chapter or to  
21 pay for an improvement authorized by this chapter, and in anticipation  
22 of the special benefit tax to be levied as provided in this chapter, the  
23 legislative body shall issue in the name of the township the bonds of  
24 the district. The bonds may not exceed in amount the total cost of all  
25 land to be acquired and all improvements described in the resolution,  
26 including all expenses necessarily incurred in connection with the  
27 proceedings, together with a sum sufficient to pay the costs of  
28 supervision and inspection during the period of construction of a work.  
29 The expenses to be covered in the bond issue include all expenses of  
30 every kind actually incurred preliminary to acquiring the land and the  
31 construction of the work, such as the cost of the necessary record,  
32 engineering expenses, publication of notices, preparation of bonds, and  
33 other necessary expenses. If more than one (1) resolution or proceeding  
34 of the legislative body under this chapter is confirmed whereby  
35 different parcels of land are to be acquired or more than one (1)  
36 contract for work is let by the executive at approximately the same  
37 time, the cost involved under all of the resolutions and proceedings  
38 may be included in one (1) issue of bonds.

39 (b) The bonds may be issued in any denomination not less than one  
40 thousand dollars (\$1,000) each, in not less than five (5) nor more than  
41 forty (40) annual series. The bonds are payable one (1) series each  
42 year, beginning at a date after the receipt of taxes from a levy made for

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that purpose. The bonds are negotiable. The bonds may bear interest at any rate, payable semiannually. After adopting a resolution ordering bonds, the legislative body shall certify a copy of the resolution to the township's fiscal officer. The fiscal officer shall prepare the bonds, and the executive shall execute the bonds, attested by the fiscal officer.

(c) The bonds and the interest on the bonds are exempt from taxation as prescribed by IC 6-8-5-1. Bonds issued under this section are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to:

(1) the filing of a petition requesting the issuance of bonds;

(2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds **in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or**

(B) voters to vote on the issuance of bonds in the case of a **proposed bond issue described by IC 6-1.1-20-3.5(a);**

(3) the appropriation of the proceeds of the bonds with the approval of the department of local government finance; and

(4) the sale of bonds at public sale for not less than the par value of the bonds.

(d) The legislative body may not have bonds of the district issued under this section that are payable by special taxation when the total issue for that purpose, including the bonds already issued or to be issued, exceeds two percent (2%) of the total adjusted value of the taxable property in the district as determined under IC 36-1-15. All bonds or obligations issued in violation of this subsection are void. The bonds are not obligations or indebtedness of the township but constitute an indebtedness of the district as a special taxing district. The bonds and interest are payable only out of a special tax levied upon all the property of the district as prescribed by this chapter. A bond must recite the terms upon the face of the bond, together with the purposes for which the bond is issued.

SECTION 41. IC 36-10-8-16, AS AMENDED BY P.L.219-2007, SECTION 146, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. (a) A capital improvement may be financed in whole or in part by the issuance of general obligation bonds of the county or, if the authority was created under IC 18-7-18 (before its repeal on February 24, 1982), also of the city, if the board determines that the estimated annual net income of the capital improvement, plus the estimated annual tax revenues to be derived from any tax revenues made available for this purpose, will not be sufficient to satisfy and pay the principal of and interest on all bonds issued under this chapter, including the bonds then proposed to be

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1 issued.

2 (b) If the board desires to finance a capital improvement in whole  
3 or in part as provided in this section, it shall have prepared a resolution  
4 to be adopted by the county executive authorizing the issuance of  
5 general obligation bonds, or, if the authority was created under  
6 IC 18-7-18 (before its repeal on February 24, 1982), by the fiscal body  
7 of the city authorizing the issuance of general obligation bonds. The  
8 resolution must set forth an itemization of the funds and assets received  
9 by the board, together with the board's valuation and certification of the  
10 cost. The resolution must state the date or dates on which the principal  
11 of the bonds is payable, the maximum interest rate to be paid, and the  
12 other terms upon which the bonds shall be issued. The board shall  
13 submit the proposed resolution to the proper officers, together with a  
14 certificate to the effect that the issuance of bonds in accordance with  
15 the resolution will be in compliance with this section. The certificate  
16 must also state the estimated annual net income of the capital  
17 improvement to be financed by the bonds, the estimated annual tax  
18 revenues, and the maximum amount payable in any year as principal  
19 and interest on the bonds issued under this chapter, including the bonds  
20 proposed to be issued, ~~as~~ at the maximum interest rate set forth in the  
21 resolution. The bonds issued may mature over a period not exceeding  
22 forty (40) years from the date of issue.

23 (c) Upon receipt of the resolution and certificate, the proper officers  
24 may adopt them and take all action necessary to issue the bonds in  
25 accordance with the resolution. An action to contest the validity of  
26 bonds issued under this section may not be brought after the fifteenth  
27 day following the receipt of bids for the bonds.

28 (d) The provisions of all general statutes relating to:

29 (1) the filing of a petition requesting the issuance of bonds and  
30 giving notice;

31 (2) the right of:

32 (A) taxpayers and voters to remonstrate against the issuance of  
33 bonds **in the case of a proposed bond issue described by**  
34 **IC 6-1.1-20-3.1(a); or**

35 (B) **voters to vote on the issuance of bonds in the case of a**  
36 **proposed bond issue described by IC 6-1.1-20-3.5(a);**

37 (3) the giving of notice of the determination to issue bonds;

38 (4) the giving of notice of a hearing on the appropriation of the  
39 proceeds of bonds;

40 (5) the right of taxpayers to appear and be heard on the proposed  
41 appropriation;

42 (6) the approval of the appropriation by the department of local

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1 government finance; and  
 2 (7) the sale of bonds at public sale;  
 3 apply to the issuance of bonds under this section.

4 SECTION 42. IC 36-10-9-15, AS AMENDED BY P.L.219-2007,  
 5 SECTION 147, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2008]: Sec. 15. (a) A capital improvement may  
 7 be financed in whole or in part by the issuance of general obligation  
 8 bonds of the county.

9 (b) If the board desires to finance a capital improvement in whole  
 10 or in part as provided in this section, it shall have prepared a resolution  
 11 to be adopted by the board of commissioners of the county authorizing  
 12 the issuance of general obligation bonds. The resolution must state the  
 13 date or dates on which the principal of the bonds is payable, the  
 14 maximum interest rate to be paid, and the other terms upon which the  
 15 bonds shall be issued. The board shall submit the proposed resolution  
 16 to the board of commissioners of the county, together with a certificate  
 17 to the effect that the issuance of bonds in accordance with the  
 18 resolution will be in compliance with this section. The certificate must  
 19 also state the estimated annual net income of the capital improvement  
 20 to be financed by the bonds, the estimated annual tax revenues, and the  
 21 maximum amount payable in any year as principal and interest on the  
 22 bonds issued under this chapter, including the bonds proposed to be  
 23 issued, at the maximum interest rate set forth in the resolution. The  
 24 bonds issued may mature over a period not exceeding forty (40) years  
 25 from the date of issue.

26 (c) Upon receipt of the resolution and certificate, the board of  
 27 commissioners of the county may adopt them and take all action  
 28 necessary to issue the bonds in accordance with the resolution. An  
 29 action to contest the validity of bonds issued under this section may not  
 30 be brought after the fifteenth day following the receipt of bids for the  
 31 bonds.

32 (d) The provisions of all general statutes relating to:

33 (1) the filing of a petition requesting the issuance of bonds and  
 34 giving notice;

35 (2) the right of:

36 (A) taxpayers and voters to remonstrate against the issuance of  
 37 bonds **in the case of a proposed bond issue described by**  
 38 **IC 6-1.1-20-3.1(a); or**

39 (B) voters to vote on the issuance of bonds **in the case of a**  
 40 **proposed bond issue described by IC 6-1.1-20-3.5(a);**

41 (3) the giving of notice of the determination to issue bonds;

42 (4) the giving of notice of a hearing on the appropriation of the

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- 1 proceeds of bonds;
- 2 (5) the right of taxpayers to appear and be heard on the proposed
- 3 appropriation;
- 4 (6) the approval of the appropriation by the department of local
- 5 government finance; and
- 6 (7) the sale of bonds at public sale for not less than par value;
- 7 are applicable to the issuance of bonds under this section.

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